G. R. S. App. F. IX-4]

194 -

File No. 27-42

Previous References.

Serial Nos. 42-1

Law 39-40-(1-2) (Law)

Later References.

8A

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two

Part B for May 1942

SUBJECT.

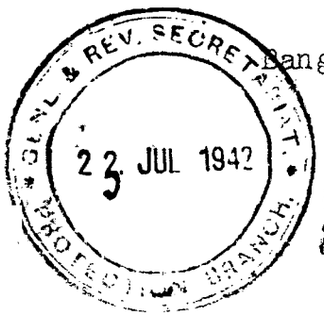
Sanction fee payable to the Advocate General for services rendered in R.A. No. 68/40-41 on the file of the High Court.

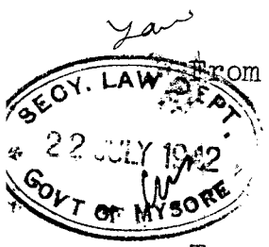
Record G.O No. P8592-24 dated 20.5.1942 to the A.-Gen.C., the D.C. Bangalore & the Comptr. & Audt.

No. 76

Office of the Advocate-General
in Mysore,

Bangalore, dated 21st July 1942.





From

The Advocate-General
in Mysore, BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

Hqy. R" With reference to Government Order No. P.78-80/Law. dated (Camp Mysore) 18-10-1940, I have the honor to state that Regular Appeal No.68 of 1940-41 on the file of the High Court of Mysore, (Assistant Commissioner, Closepet Sub Division, VS. Choode Gowda) came on for disposal on 9-7-1942 and that after hearing argument, Judgment was pronounced allowing the appeal. The Order of the District Judge was modified and proportionate costs were allowed. The Memorandum of Cross Objections filed by the Respondent was dismissed with costs.

1) Submitted with a decree to the Deputy Comr. Bangalore District

2)

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General

CSN.

P. 2576 dated 6-10-42 issued to DC. Bangle intimating the result and requesting him to forward necessary funds to the Advocate Genl for outstanding court copies.

memo. no. P. 2577 issued to the Advocate Genl forwarding address of DC Bangle - dated 6-10-42.

4055 ✓ 5355.

Remuneration bill of the Advocate General in R.A. 68/40-41 on the file of the High Court

Continuation Sheet. File No. / Current No. of Page.

Letter no 463/ dated 9th December 1942 from the Advocate General forwarding for sanction the bill of the former Advocate General in R.A no 68/40-41 on the file of the High Court

Letter no 587/ dated 2nd February 1943 from the Advocate General forwarding certified copy of Judgment in the case.

3) The fee claimed in the bill charged "f" is in accordance with that allowed by the Court as per memo of costs & charged "A"

A draft G.O sanctio the same is put up for approval

Xerox 31/3.

4) As well as claim any G Sanction as is allowed by Court Law Secy) 3/9/43

5) Cus 10-3-43

6) Jm 3/10/43

To

The A.C. Bangalore &
Comptroller
Advocate General

vouched G.O. No P 8592-94 Dated 20.5.43.

Sanction the payment of Rs 30/- to the Advocate General for services rendered in the above Case

Appendix F. G.—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P2576

To

General and Revenue Secretariat

( )

the *194*

The Deputy Comr.

Bangalore District.

Date of issue..... 6/10/42

Subject:— R.A. no. 68/40. U on the file of the High Court of Mysore - (Asst Comr. Closepet Sub Division) Vs Bhoodagowda.

Signed by..... Sd/- K.P.P.

Sir,

I am directed to invite reference to G.O. no. P. 78-80/Law Dated 18th. October 1940 on the above subject and to state that the Advocate General has reported that the case came up for disposal on 9th July 1942 and that after hearing arguments, judgment was pronounced allowing the appeal.

List of enclosures.....

Copied by.....

Examined by.....

WD 04161—GPB—60,000—24-10-41

the Memorandum of Cross objections
filed by the respondent is also reported
to have been dismissed with costs.

I am to request you to kindly
place at the disposal of the Advocate
General necessary funds for taking
out certified copies of judgment and decree
in the case as they will be required for
taking further action in the matter of
recovering costs awarded in the case.

I have et

No. P2577 of 6.10.62 to Secretary Law Dept.

Copies of the above is forwarded with
Compliments to the Advocate General
with a request that certified copies
of judgment & decree may kindly be obtained
and forwarded thereof for information and

No. 463 Office of the Advocate-General
in Mysore,

Bangalore, dated 9th December 1942.

From

The Advocate-General
in Mysore, BANGALORE.

SECY. LAW DEPT GOVT OF MYSORE

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

In continuation of this office letter No. 76 dated the 21st July 1942, I have the honor to forward herewith for the sanction of Government, a Bill for - Rs.92-8-0 being remuneration for professional services rendered on behalf of Government (by my predecessor in office) in conducting Regular Appeal No.68 of 1940-41/ with Memo of Cross Objections on the file of the High Court of Mysore, (The Assistant Commissioner, Closepet Sub Division, VS. Choode Gowda).

CENL. & REV. SECRETARIAT. 11. DEC. 1942 BRANCH.

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General.

CSN.

5355 84

No. 587 Office of the Advocate-General
in Mysore,

Enc Judgment Copy (22 Sheets)

Bangalore, dated 2nd February 1943.

From

SECY. L. ... GOVT OF MYSORE

The Advocate-General
in Mysore, BANGALORE.

4 FEB. 1942

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

Advocate's fee Rs30/=

Sir,

Subject:- Regular Appeal No.68 of 1940-41 on the file of the High Court of Mysore, (The Asst. Commissioner, Closepet Sub Dn., VS. Choode Gowda).

With reference to correspondence ending with your Memo No. P.2577 dated the 6th October 1942, on the above subject, I have the honor to forward herewith, as desired, certified copies of the judgments and memorandum of costs in the above case.

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General.

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *19*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Section Law

File No. 27-42

Serial No. 43

Date of issue.....19

Signed by.....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Read—

(1) G.O. no. P.78-80/Law 39-40-2 dated 18th October 1940 sanctioning the filing of an appeal against the order of enhancement in mis case no. 98/38-39 on the file of the Additional District Judge Bangalore. (Chowde Gowda Vs ~~Order thereon—No.~~ The Assistant Commissioner Hoskote Sub Division).

(2) Letter no. 463, dated 9th December 1942, from the Advocate General forwarding for sanction the bill of the former Advocate General, ~~the~~ for

services rendered in R.A no: 68/00.
on the file of the High Court which
is the same case as the one referred
to in the G.O. read above in para-1.
Order no: Date
Sanctioned the Deputy
Commissioner Bangalore District
is requested to point out-direct
to the Comptroller & the source
from which the above expenditure
is to be met

10-
Secy to Govt Law Dept

To

1) The D.C: Bangalore with
the certified copy of order in

9p

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Government Order No.P.78-80/Law.(S)40-2 dated the 18th October 1940, sanctioning the filing of an appeal against the order of enhancement in Mis.Case No.98/38-39 on the file of the Additional II District Judge, Bangalore (Chowde Gowda) VS The Assistant Commissioner Closepet Sub Division).

2. Letter No.463, dated the 9th December 1942, from the Advocate General forwarding for sanction the bill of the former Advocate General for Rs.30 (Rupees thirty only) for services rendered in M.A.No.68/40-41 on the file of the High Court which is the same case as the one referred to in the Government Order read above in Paragraph One.

***

Order No. P.85-92-94/Law 27-42-43

Dated, Bangalore, the 20th May 1943.

Sanctioned. The Deputy Commissioner, Bangalore District is requested to point out direct to the Comptroller the source from which the above expenditure is to be met.

Secretary to Government,
Law Department.

To

The Deputy Commissioner, Bangalore with the certified copy of order in the appeal case.
The Comptroller to the Government of Mysore.
The Advocate General with the bill

303/43

Office of the Advocate-General
in Mysore,
Bangalore, dated 9th July 1943.

From

The Advocate-General
in Mysore, Bangalore.

To

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Law Department, Bangalore.

Law · 302 -43 -1

Sir,

Subject:- R. A. No. 68/40-41 on the file of the High Court of Mysore, (with Memo. of Cross Objections) -- The Assistant Commissioner, Closepet Sub-Division, vs. Choode Gowda.

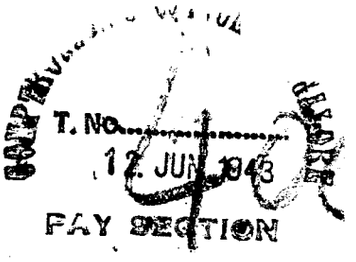
--

With reference to Government Order No. P.859 94/Law. 27-42-43, dated 20/5/1943, sanctioning the remuneration to the Advocate-General for conducting the above case, I have the honor to state that the bill - sent for sanction was for Rs.92-8-0, whereas, in the Government Order sanctioning the same, it is referred to as being for Rs.30/-. As the sanction accorded applies to this figure only, I feel that there is a mistake in the matter which requires correction. - I accordingly enclose the original bill herewith for necessary modification of the Government Order above referred to.

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General.

Sanctioned vide for Rs. 100. P
5592-94/Law 27-42-43
dated 20.5.1943
Please pay by cheque on
the Bank of Mysore, Ltd.
Bangalore



Government of H. H. the Maharaja of Mysore.....Dr.

To

Mirle N. Lakshminaranappa, Esq., B.A., LL.B.,
Advocate-General in Mysore.

Appendix F. G.—1]

SUBJECT R. A No 68/40—41 on the file of the
High Court — Chandra Gowda Vs Secretariat Assistant, Cooperation, Cheseph Subject

Section Law

File No. 302-43

Serial No. 2.

Diary No. of letter replied to.....

No. P. 1332

To

General and Revenue Secretariat

( )

the *194*

The D.C. Bangalore &
Subject
Sir,

Date of issue... 23.8.43

In inviting your reference to the correspondence ending with G.O N.o. P 8592 Rev 27-42-43 dated 25th May last on the above subject, I am directed to request you to be good enough to forward soon immediately to this the certified Copy of the order in the case referred

P.6873 12-4-43

To
The Deputy Commissioner
Bangalore District
Bangalore

Sub:- Remuneration Bill in R.A. 2068/40-41 on the file of the Sessions Court of Mysore

Sir,

I am directed to invite your reference to this office letter no P.1332 dated 23-8-43 on the above subject and to request you to expedite forwarding the Certified copy of the order in the above case. The matter is pending for a long time, & I have etc.,

Yours etc.,
Yours faithfully
for Secy-to-Govt
Law Department

T.O 8304 8/20/6

The Advocate General
in Kilpauk
Bangalore

Law. 302-43-3

No
Dated

Subject Remuneration
bill in R.A. 68/1943 on
the file of the High Court.

Sir

With reference to
your letter No 31 dated
9-7-43 on the above
subject, I am directed to
request you to forward
very early a copy of
the print-book in the
above appeal for reference

27/6

I have etc

O/C
for Secretary to Govt
Law Dept

No. [illegible] Office of the Advocate-General
in Mysore,
Bangalore, dated 7th July 1945.

302

PROTECTION BRANCH, G. R. S. No..... Dated.....

From

The Advocate-General
in Mysore, Bangalore.

Law 302-43

To

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

With reference to your letter No. P. 8304 dated 30-6-1945, I have the honor to forward herewith, as desired, a copy of the paper-book in R. A. No. 68 of 1940-41 on the file of the High Court of Mysore, (The Assistant Commissioner, Closepet Sub-Division, vs. Choode Gowda).

I have the honor to be,

Sir,

Your most obedient servant

Lakshmana Gowda

Advocate-General.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Subject Remuneration bill of the Advocate General in R.A. 68/1904 on the file of the High Court

Dear Sir

I am directed to invite your attention to the marginally noted references on the above subject, and to state that the copy of the order of the High Court in the above appeal, has not been forwarded to this office till now, though the matter is two years old. I am to request you to bestow your

personal attention
and expedite the
matter as it is long
pending.

Yours Sincerely

O/C

D.O. No P. 3211/D 6.11.65

Subject: Remuneration bill of the Advocate General in R.A. 68/1965 on the file of the High Court

Dear Sir,

I am directed to invite your attention to the marginally noted References on the above subject and to state that the copy of the order of the High Court in the above appeal, has not been forwarded to this office till now, though the matter is over two years old. I am to request you to kindly bestow your personal attention and expedite the matter as it is long pending

Yours sincerely

1) Letter No. P/332 dated 23/8/65
2) Reminder letter No. P. 6873 dated 12-4-65
3) Reminder letter No. P 8248 dated 27-6-65
4) D.O. Reminder No. P 14861 dated 25/8/65

To

A.C. Nirvani Gowda Esq.
B.A.,
D.C. Bangalore

Do No 052

22/-46

Subject Remuneration bill of the Advocate General in R.A No. 68/40-41 on the file of the High Court

Dear Sir

I am desired to enquire your kind attention to the marginally noted references and Reminders on the above subject, to request you to kindly bestow your personal attention and expedite the matter as it is long pending

Yours sincere

To

A C Nirvani Gowda
B.A.
D C Bangalore

1) Letter No. P. 1332 dated 23-8-43
2) Reminder letter No. P 6873 dy 12 4/45
3) Reminder letter No. P 8248 dy 27 6/45
4) Do Reminder No. P 1481 dy 25 8/45
5) Do Reminder No. P 3211 dy 6 11/45

D.O. No. 1624/Law.

5/3/46

Dear Mr. Nirvani/Gentlemen,

I am desired to remind you kindly reference to this office letter No. P.1332 dated 23-8-43 and subsequent reminders ending with this office D.O. letter No. 1052/Law dated 22-1-46 on the question of the payment of remuneration of the Advocate General in R.A. 68/1941 on the file of the High Court and to state that the question has been pending ~~receipt of~~ for nearly thirty months for the ~~submission of~~ a copy of the judgment in the above case and that

in spite of several reminders.
Even an ad-interim reply
has not been received from the above
communications some
from this office

May I therefore request
you to kindly look into
the matter personally and ~~expedite~~
~~expedite the~~ ~~early submission~~ send
~~of~~ the reply to letter dated
23/8/43 immediately

yours sincerely

Sirdar Gurdit Singh, Bar
D C Bhimpalam

G. R. S. App. F. G. 3

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

D.O No 2347
07/8/1946

Subject: Recommendation of the payment of Remuneration to the Advocate General in R.A. 68/40-41 on the file of the High Court

Dear Sir,

I am desired to enclose herewith for reference to the correspondence ending with my D.O. letter No. 1624/Law dated 5/3/1946 on the above subject, and to state that the matter has been pending for the last three years nearly awaiting the copies of judgment and decree in the above appeal.

I am to request

you therefore to take a look into the matter personally and see that the said copies are forwarded immediately

Yours sincerely

O/C H

Appendix F. G.—1]

SUBJECT Reconsideration of the payment of remuneration to the Advocate General Sri R. A. 68/40 as on the file of the High Court

Section Law

File No. 302-43

Serial No. 5

Diary No. of letter replied to.....

No. 467/Law.

General and Revenue Secretariat

( )

the 194

Dear Sir

I am desired to invite reference to the correspondence ending with this office D.O. letter No. 2347/Law dated 8/5/46 on the above subject and to state that the matter has been pending for the last three years ~~awaiting the Copies of the Judgment and decree in the appeal~~. I am to request you kindly to see the documents referred to therein are forwarded

Date of issue 6-8-46

Signed by Mr Q.N

List of enclosures.....

Copied by.....

Examined by .....

WD 0874—GPB—25,000—

[illegible] immediately
[illegible] meals [illegible]
[illegible] Treated
as [illegible]

Yours Sincerely

[illegible]

To

A. C. Nirvani Esq. B.
[illegible]
[illegible] Bangalore

G. R. S. App. F. G. 3

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

1148/Law.

7-10-46.

D.O. No.

Subject Reconsideration of the payment of Remuneration to the Advocate General in R.A. 68/40-41 on the file of the High Court.

Dear Sir,

I am desired to invite reference to the correspondence ending with my D.O. letter No. 467/Law dated 6/8/46 on the above subject and to request you kindly to expedite the reply.

The matter may kindly be treated as urgent as it is pending for over three years.

Yours sincere

Encl.

3/10

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

D.O. 1920/Law. 20/12/46

Subject: Reconsideration of the payment of Remuneration to the Advocate General in R.S. 68/1946 on the file of the High Court.

Dear Sir,

I am desired to invite ~~your~~ reference to the marginally noted ~~reference~~ communications. ~~letters, reminders and D.O. letters~~ on the above subject and to state that the copy of judgment ~~and decree~~ has not been received so far from your Govt. are, ~~therefore~~, constrained to observe that adequate attention has not been bestowed ~~to~~ this ~~matter~~ subject. I am to request you kindly

1) Letter No. P. 1332 dt 23.8.46
2) Reminder No. P 6873 dt 12-9-46
3) D.O. letter No. P 1481 dt 25/8/46
4) " P.3211 dt 6-11-46
5) " 1052/Law dt 22.11.46
6) " 1624/Law dt 5.3.46
7) " 2347/Law dt 8.5.46
8) " 647/Law dt 6.8.46
9) " 1148/Law dt 7-10-46

to forward to Genl
The copy of proceedings called for
without further delay

App. F. XI 4]

File No. Laws 302-43 Serial No. ..... Sus. Regr. No. 1020

Shall a D.O reminder issue to The D.C., Bijapur for a reply to this Office No. 2689 dated the 8-11-47

Subject: Reconsideration of the remuneration bill of the A.G in R.A. 68 of 1940-41, on the file of the High Court of Mysore.

WD 010604—GPB—15,000—5

Orders	Reminder No.	Date	Remarks
A D.O reminder is submitted herewith 6/10/50.	2998	Laws 302-43 D 13-10-50	
Another reminder is submitted herewith 13/12			

Dear Sir,

I am desired to invite reference to this office letter No P 1332 Dy 23-8-1943 and to the subsequent D.O. reminders in the matter of payment of remuneration to the Advocate-General in RA 68/40-41 on the file of the High Court of Mysore and to state that so far no report has been received from you in this Office.

I am to express the hope that you will bestow your personal attention on this subject and furnish Govt with a report in the matter

without further loss of
time.

Govt will be under the
painful necessity to view
the matter more seriously
in case a person is

In the High Court of Mysore

Regular Appeal No. 68 of 1940—41

With Cross-Objections.

BANGALORE

Assistant Commissioner
Close for Sub-Dn,
(Appellant—Respondent)

By The Advocate General.

Vs.

Choodegowda alias Puttasamigowda

(Respondent—Claimant)

By Messrs. M. P. Somasekar Rao
M. P. Krishnaswami

Presented :—27—11—40

In the Court of the Addl. District Judge, B'lore Mis. No. 98 of 38—39	Appeal filed	7—11-
	Decree passed	31—7—40

In the High Court—Appeal filed—28—11—1(

Nature of claim—Land Acquisition.

INDEX

R. A. No. 68 of 1940—41.

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1. Reference	...	1
2. Schedule	...	2
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4. Statement of the Claimant	...	7
5. Order of the Addl. District Judge	...	9
6. Memo of Costs	...	14
7. Appeal Memo	...	14
8. Memo of Cross-objections	...	16

List of witnesses examined.

Claimant's side :—

1. M. K. Sreenivasa Iyengar	...	18
2. Papiah	...	19
3. Nanjegowda	...	20
4. Puttasamanna	...	20
5. Thimmegowda	...	21
6. C. G. Puttaswamy Gowda	...	22
7. Honnegowda	...	23
8. Choodegowda alias Puttasamy Gowda	...	23
9. Lingappa	...	25

Respondent's side :—

1. Mr. S. Muni Nanjappa	...	26

List of documents admitted in evidence for the claimant.

Exhibit A.—Photograph taken re. acquired land	...	31—7—39	...	x
„ A(1).—	Do	...	do	...	x
„ A(2).—	Do	...	do	...	x

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II.—Mahazar received from the Amilc ...	do	42
III.—Statement of the claimant before the L. A. Officer	do	43
III(a).—Note made by the Sub-Division Officer on Exhibit III	do	45
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V.—Award passed by Sub-Division Officer in Land Acquisition Case No. 2 of 37-38		
VI.—Order dated 20—9—37 issued by the Sub-Division Officer		
I(a).—Report of the Amildar ...		

REFERENCE.

Office of the Assistant Commissioner,
Closepet Sub-Division.

L. A. C2/37—38. Dated Closepet, the 30th October 38.
Encl: One file.

From

The Assistant Commissioner,
Closepet Sub Division,
Closepet.

To

The District Judge,
Bangalore Division,
Bangalore.

Sir,

Under Section 19 of the Land Acquisition Regulation, I have the honour to refer to your Court for adjudication the case relating to the acquisition of 12 guntas of land out of S. No. 94 of Chikkamalur village, Channapatna Taluk acquired as per G. O. No. D. 125 Seri. 1—36—13 datad 5th July 1937 for the Mysore Spun Mills Company at Channapatna.

2. The person interested in the property is Choode Gowda alias Puttaswami Gowda, residing at Chikkamalur village, Channapatna Taluk.

3. The total amount of compensation awarded for the said land is Rs. 243-13 and the same has been received by the Claimant under protest.

4. The objection of the claimant is about the inadequacy of the compensation awarded. A copy of the objection statement is enclosed herewith.

5. The grounds on which the compensation was settled are clearly stated in the award. (Copy enclosed herewith).

6. The Schedule required under Clause 2 of Section 19 of the Land Acquisition Regulation is enclosed herewith.

7. The following references are enclosed herewith:—

(i) Copy of Award.
(ii) Copy of the statement of the Claimant dated 25—8—37.
(iii) Copy of the objection statement of the Claimant dated 26—3—38.
(iv) Copy of the Mahazar of the villagers re: valuation.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. S. Muninanjappa,
Sub-Division Officer,
Closepet Sub-Division.

Schedule under Clause (2) of Section 19 of the Land Acquisition Regulation in L. A. C. 2 of 37-38 on the file of the Sub-Division Officer, Closepet Sub-Division.

(1) Particulars of notices issued and served upon the parties.

The notice under Sections 9 and 10 of the L. A. Regulation was issued on 10—8—37 and the same was served on the party viz., Mr. Choode Gowda alias Puttaswami Gowda on 15—8—37. In response to this notice he filed a statement on 25—8—37.

The award notice was issued on 23—2—38 and the same was served on the party on 12—3—38. In response to this he has filed an objection statement on 26—2—38.

(2) Particulars of the statements in writing made by the parties.

Mr. Choode Gowda alias Puttaswami Gowda filed a written statement on 25—8—37 claiming compensation as follows:—

1.	For trees	...	1,743	0 0	
2.	For land at Rs. 600	...	600	0 0	or at Rs. 15 per gunta.
3.	For damages	...	100	0 0	on the ground that the portion left after acquisition will be unfit for cultivation, etc.

4. Interest at 12 per cent from 20—5—37 the date of taking possession of the land and at 6 per cent from the date of award.

Sd. S. Muni Nanjappa,
Land Acquisition Officer, Closepet, Sub-Division.

Dated 14—11—38.

Application of Reference under Section 12 of the Land Acquisition Regulation.

To

The Land Acquisition and
Sub-Division Officer,
Closepet Sub-Division,
Closepet.

Applicant :—Choodegowda alias Puttaswamigowda,
Chikkamagalur Village, Channapatna Taluk.

L. A. Case No. 2 of 37—38.

The applicant abovenamed begs to state as follows :—

1. That an award dated 12—10—37 has been made by your Honour for the Acquisition of 12 guntas of applicant's garden land in Chickamalur village for the Mysore Spun Mills Company. The notice of the award was served on the applicant on 12-3-38.

2. That the applicant cannot accept the award made by your Honour as the amount of compensation award is very inadequate, and that the case may kindly be referred to the District Judge, Bangalore, under Section 12 of the L. A. Regulation for the determination of the question of the adequacy of compensation awarded on the following grounds amongst others.

(i) That the compensation for land ought to have been awarded at Rs. 15 per gunta instead of Rs. 10 per gunta,

(ii) That several trees have been omitted from being given any compensation awarded for the remaining trees is grossly inadequate. The actual number of kinds of trees that were on the land and the compensation due to them are as follows :—

Trees	Number	Value
		Rs
Cocoanut trees	10	101
Honge trees	38	200
Mango trees	4	370
Margosa trees	3	6
Bage trees	2	20
Soapnut bushes	6	1,000
Chudali tree	1	2
Vale tree	1	5

	Trees	Number	Value
			Rs.
9.	Metti trees	5	5
10.	Hale Trees	2	4
11.	Bamboo trees	2	20
12.	Muttuga tree	1	1
13.	Galnut tree	1	2
14.	Thapasa trees	3	6
15.	Seethapal	1	2
	Total	80	1,743

3. That for the injurious attectation and for the severance of the adjoining lands of the applicant, a damage of Rs. 200 ought to have been awarded.

That statutory allowance has to be awarded on the valuation set out above.

5. That the applicants land was taken possession of on 20—5—37, interest on the award amount ought to have been awarded from 20—5—37, which has not been done.

Sd. Choodegowda alias Puttasamigowda,
(in Kannada),
Applicant.

Closepet.
Dated 26th March 38.

Sd. K. Hanumanthiah,
Advocate for applicant.

AWARD.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB-DIVISION.

Land Acquisition Case No. 2 of 37—38.

Present:—S. Muninanjappa, B. A., B. L.,
Assistant Commissioner and Land Acquisition Officer.

1. Government have in their order No. D. 125, Seri. 1-36-13 dated 5th July 1937 sanctioned the acquisition of 0 acres 12 guntas out of S. No. 94 garden measuring 1 acre 4 guntas and assessed at Rs. 4-8-0 in the village of Chikkamalur of the

Chennapatna Taluk for the purpose of for the Mysore Spun Mills Company at Chennapatna and the same has been notified in the MysoreGazette. (Vide page 581, Part III(1) dated 15—7—37.

2. The lands to be acquired have been measured and marked out. Due notices were given to khatedar and others interested and published at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 25—8—37.

3. The Khatedar is Choodegowda alias Puttaswamygowda and the name of the Anubhavadars are do Choodegowda alias Puttaswamygowda filed a statement claiming compensation as follows :—

The statement of (1) for land at Rs. 5 more than what has been paid to Nanjegowda whose lands were acquired (for 1 gunta) for Chennapatna Water Supply (2) for trees as follows :—

		Rs.	a.	p.
1. Honge trees 38	...	200	0	0
2. Chujjali 1.	...	2	0	0
3. Vale one	...	5	0	0
4. Cocoanut trees 10 at Rs. 10	...	100	0	0
5. One mango (ದಪ್ಪಿ)	...	100	0	0
6. One mango (ಕಸಿ)	...	120	0	0
7. Two mangoes (ಕಂತ್ರಿ)	...	150	0	0
8. Bage 2	...	20	0	0
9. Bevu 3	...	6	0	0
10. One mattalu tree	...	5	0	0
11. Ala one	...	4	0	0
12. ಬಿದಿರುಮೊಳೆ	...	20	0	0
13. Seege mele 6	...	1,000	0	0
14. Muttugada tree one at Rs. 1	...	1	0	0
15. Arali tree one	...	2	0	0
16. Tapasi trees 3	...	6	0	0
17. Seethapala tree one	...	2	0	0

In all he claims Rs. 1,743 for the trees.

He also claims damage of Rs. 200 as the portion left in the land is unfit and inconvenient for cultivation.

He also claims interest at Rs. 12 per cent from 20--5--37 to the date of taking possession of the land by the Mills and 6 per cent interest from the date of award.

4. The true area of the land to be acquired is 0-12 guntas. The party claims at Rs. 5 more per acre for one gunta than what was paid to Nanjegowda's land and for water supply as compensation. The villagers' value as per their mahazar is Rs. 400 per acre. The average of similar lands as ascertained from the Sub-Registrar office reference is Rs. per acre.

A rate of Rs. 400 per acre has been awarded for a portion of the same survey number which was acquired for Spun Mills as per S. No. D. 144 Seri. 1-36-6 D. 28—4--36 (L.A. C. No. 7 of 36-37.

The following trees, buildings etc., are in the acquired portion and valued by the mahazardars is—

Trees as per mahazar are as follows :—

			Rs.	a.	p.
1.	Cocoanut (ಪಸಿಗಳು)	5	... 10	0	0
2.	Honge	13	... 13	0	0
3.	Thanga	1	... 5	0	0
4.	Bevu (ಪಸಿಗಳು)	3	... 0	12	0
5.	Bage („)	2	... 0	8	0
6.	Seege (ಪೊಳೆ)	3	... 6	0	0
7.	Hale	1	... 0	6	0
		Total	... 35	10	0

6. The compensation which in my opinion is awardabl is as under-

The extent of land acquired is 12 guntas out of surve number 94 of Chickmalur village. The party's statement has re corded. He claims at the rate of Rs. 15 per gunta or 600 per acre Regarding malki he claims a sum Rs. 1,743 as detailed overlea His claims are exhorbitant. The compensation awarded for simila land acquired for the Spun Mills during the year 1936 was at th rate of Rs. 400 per acre. (Vide L. A. C. 7, 8, 9 and 10 of 36—37 The Mahazardars have also valued the land at Rs. 400 per acr I have also inspected the land. The rate of Rs. 400 per acre is reasonable.

Regarding malki the amount claimed is highly exhorbitant. The party has included tress standing on Government land i. e river bed adjoining his land during my inspection. This was explained to him.

The number and kinds of trees noted in the mahazar is correct. But the value estimated by the Mahazardars is Rs. 35-10-0 as noted above. I am inclined to give enhanced rate for the trees and award as follows :—

				Rs.	a.	p.
For land 12 guntas at Rs. 400 per acre			...	120	0	0
M. A. L. K. I. 1. Cocoanut (ಪಿಳಿಗಳು)	5.	Lumpsum		20	0	0
2. Honge	„ 13.	„	...	26	0	0
3. Mango	„ 1.	„	...	10	0	0
4. Bevu	„ 3	,	...	3	0	0
5. Bage	2	;	...	2	0	0
6. Seege	3.	„	...	30	0	0
7. Hale	1.	„	...	1	0	0
				212	0	0
Statutory allowance at 15 per cent			...	31	13	0
				243	13	0

Rupees two hundred and forty-three and annas thirteen

This amount may be paid to Choode Gowda alias ımy Gowda.

Sd. S. Muninanjappa,
L. A. O.
12—10—37.

Statement filed by the Claimant in Court.

COURT OF THE DISTRICT JUDGE, BANGALORE.

Mis. No. 98 of 38—39.

Claimant :—Choode Gowda, alias Puttaswami Gowda.

Vs.

Opponent :—The Assistant Commissiner, Closepet.

The claimant, above named, begs to state as follows :—

1. That the claimant's 12 guntas of garden land, and trees ɔn, in O. S. No. 94 of Chikkamalur village, Chennapatna taluk, been acquired by the respondent for the Mysore Spun Silk ɔany, Chennapatna, and a compensation of Rs. 243-13-0 in all .een awarded.

2. That the compensation awarded is arbitrary, an grossly inadequate. The award is not based on the well known an accepted methods of assessing compensation.

3. That the respondent ought to have determined th market value of the land at Rs. 25 per gunta.

4. That the respondent is not correct in holding that th claimant has included trees that were on Government land for pu poses of compensation. The trees, for which compensation claimed, are all in claimant's land. The claimant being the own of the trees, has been enjoying their usufructs. He is entitled t compensation for all the trees included in his statement made b fore the respondent.

5. That the respondent ought to have assessed compens tion for the fruit bearing trees on the basis of their annual incom which he has not done.

6. That the other remaining portions of claimant's lands have been injuriously affected by their severence from, as well as by reason of the acquisition of the land in question. The respondent ought to have awarded at least Rs. 100 for compensating the resultant damage.

7. That the respondent ought to have awarded interest on the award amount from 20—5—37 the date of taking possession of the land till payment of the award amount, which he has not done.

8. That the claimant claims compensation in this Court as follows :—

Trees	Number	Value Rs. a. p.
1. Cocoa-nut trees ...	10	100 0 0
2. Honge trees ...	30	200 0 0
3. Mango trees ...	4	370 0 0
4. Margosa trees ...	3	6 0 0
5. Bage trees ...	2	20 0 0
6. Soapnut Bushes ...	6	1000 0 0
7. Chuddali trees ...	1	2 0 0
8. Vale trees ...	1	2 0 0
9. Metti trees ...	5	5 0 0
10. Hale trees ...	2	4 0 0
11. Bamboo trees ...	2	20 0 0
12. Muttuga trees ...	1	1 0 0
13. Galnut trees ...	1	2 0 0

	Trees		Number	Value Rs.	a.	p.
14.	Tapasa trees	...	3	6	0	0
15.	Seethapala tree	...	1	2	0	0
16.	For 12 guntas of land Rs. 25 per gunta ...		...	300	0	0
17.	Statutory allowance...		...	306	8	0
18.	For damages	...	...	100	0	0
			Total	2449	8	0

Wherefore the claimant prays that he may be awarded a compensation of Rs. 2449-8-0 and interest thereon from 20—5—37 at 6 per cent per annum less amount paid and counter interest thereon at the same rate, and Court costs with such other and further reliefs as this Honourable Court may deem fit to grant under the circumstances of the case.

Sd. Choode Gowda,
alias Puttaswami Gowda,
Claimant (in Kannada).

Sd. K. Hanumanthiya,

Sd. B. Subbiah,

Advocates for Appellant.

Bangalore City.

19—12—38.

Verified and Signed.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Miscellaneous Case No. 98 of 38—39.

Bangalore, dated the 31st day of July 1940.

Present :

S. Ramachandra Sastri, Esquire, B.A., LL.B.,
Additional District Judge.

Claimant :—Choode Gowda alias Puttaswamy Gowda.

Vs.

Respondent :—The Assistant Commissioner, Closepet.

ORDER.

This is a reference under Section 19 of the Land Acquisition Act regarding the acquisition of 12 guntas of land out

of Survey No. 94 situated in Chikkamalur Village, Channapatna Taluk belonging to the claimant Choodegowda. It was acquired for the Mysore Spun Silk Mills Company at Chennapatna. The amount of compensation awarded by the Land Acquisition Officer was Rs. 234-13-0 inclusive of the statutory allowance. The claimant claimedRs. 1,743 towards the value of the land acquired as well as the trees standing thereon. As there was dispute with regard to the number and kind of trees that were on the land a Commissioner was appointed and he has submitted his report as to the actual number of trees noticed by him at the time of his inspection.

2. The first point that requires consideration is as regards he market value of the land itself. The respondent has valued it .t Rs. 400 per acre and the claimant has claimed at Rs. 1,000 ›er acre. Amongst the witnesses examined on behalf of the clai-nant one Nanjegowda, Claimant's witness 3, has stated that a piece ›f land belonging to him measuring 7½ guntas which is said to ›e within 30 or 40 yards from the claimant's land was acquired ınd that he was given a compensation of Rs. 464. Exhibit B is he certified copy of the order relating to the acquisition of the aid land. It shows that the acquisition was made in 1935 for ocating the pumping Station of Chennapatna Water Works and hat the land was valued at Rs. 1,000 per acre. Claimant's witness No. 5 has purchased a land under Exhibit D a registered sale-deed lated 14 –12—36 measuring very nearly 3 acres of land for Rs. 2,600. It is said to be at a distance of one furlong from the acquired land and Claimant's witness No. 5 stated that the acquired land was superior to his land. Exhibits I to III are the awards assed by the respondent in respect of other contiguous to claimant's ınd which were also acquired for the Mysore Spun Mills and they how that the land was valued at Rs. 400 per acre. The testimony f the respondent and Exhibits I to III do not show that any re-erence was made to the Sub-Registrar's Office to ascertain the ıarket value of the land nearby. Whereas Exhibit B shows hat the then Land Acquisition Officer referred to the index of ıe Sub-Registrar's Office, and arrived at the conclusion on the asis of the rates ascertainable from the said index, that Rs. 1,000 er acre was reasonable.

3. The argument advanced on behalf of the respondent › that the lands adjoining the acquired land were valued at ‹s. 400 and as the owners of those lands had not asked for nhanced compensation Rs. 400 per acre should be taken as ıarket value of the acquired land. But the decision reported ı 33 Calcutta Weekly Notes Page 458 which is a decision of ıe Privy Council shows that it cannot be taken as a standard. ıs observed by their Lordships in the course of judgment some f them might have accepted the award with reluctance and thers might have been afraid of fighting the Government and ome of them might have been without funds for such

the previous Land Acquisition Officer as per Exhibit B and the value of land as can be seen from Exhibit D afford the proper basis for determining the market value. It was pointed out by the respondent's learned counsel that the claimant had asked for compensation at Rs. 15 per gunta in Exhibit IV the statement filed by him before the Land Acquisition Officer and that he is estopped from claiming at a higher rate.

4. The claimant's learned counsel stated that it was an error in typing and that a perusal of Exhibit III would show that it was so. In para (3) the claimant has stated that claimant's witness number 3 had been awarded compensation of Rs. 464 and that he should be awarded at a higher rate than that as his land was superior to it and had greater facilities for water. The explanation offered seems reasonable and claimant is not estopped by the alleged admission contained in Exhibit IV.

5. On a consideration of all the materials places before the Court it appears to me only reasonable to fix the market value of the acquired land at Rs. 1000 per acre as in Exhibit B which works out at Rs. 25 per gunta. The claimant will therefore get Rs. 300 for 12 guntas acquired. It is also to be borne in mind that the land was acquired for a commercial purpose.

6. The next point that arises for consideration is with regard to the value of trees standing on the land. This is a point on which parties are at variance and the evidence is not of a conclusive nature. The respondent's statement that some of the trees stood on the land which were alleged to have been encroached upon by the claimant eannot be considered in this case. The more important and income yielding trees out of trees standing on the land are of Honge, Cocoanut and Soap-Nut trees. The Land Acquisition Officer's award is as follows :—

			Rs.	as.	ps.
Cocoanut	5 trees	—	20	0	0
Honge	13 trees	—	26	0	0
Mango	1 tree	—	10	0	0
Bevoo	3 trees	—	3	0	0
Bage	2 trees	—	2	0	0
Seege	3 trees	—	30	0	0
Hale	1 tree	—	1	0	0

According to his estimate the value of the trees is Rs. 92. The Commissioner's report shows that there were 23 Honge-trees, Cocoanut 4, Neem 2, Hale 2, Mathi 1, Methi 9, Toddy 1, Bage 1, Tapasa 2, Seethapal 1, Chujjali 1, Bamboo Groves 2, and Soap-Nut groves 9 stems comprising of six groves. He has stated in his

yielding. There were also said to be cut stems of 13 trees. Exhibit A series photographs also point out that the seege shrubs had a luxurious growth.

7. According to 25 Indian Cases Page 393 fruit bearing trees likely to bear fruits for a number of years should also be valued at twenty years annual rental. But in 23 Mysore Chief Court Reports Page 193 the learned Judges have allowed 10 years profits in respect of trees standing on the land acquired. It is therefore incumbent on this Court to accept the rate allowed by our own High Court. Ten years annual rental value will therefore be the market value of the trees.

8. The claimant has adduced evidence to show the yield from the trees. Claimant's witness number 1 a neighbouring land owner has stated that the cocoanut-trees were 6 or 7 years old and would have yielded 10 or 12 Rupees each in one or two years. He also stated that the Honge trees would have yielded 7 or 8 Rupees worth of seeds. Claimant's witness No. 4 has stated that the annual yield from the soap-nut bushes was about Rs. 50 from Mango-trees about Rs. 20 or Rs. 25 and two bamboo bushes would cost about Rs. 23 or Rs. 25. She pays a kandayam of Rs. 300 and owns 5 shares in the Spun Silk Mills. Claimant's witness No. 6 stated that he had taken soap-nut and Mango produce for lease in 1935 for Rs. 130-0-0. He also pays a kandayam of Rs. 265-0-0 per annum. Claimant's witnesses No. 7 stated that he had taken soap-nut produce far lease in 1934—35 for Rs. 100-0-0 and Rs. 120-0-0 respectively. He is said to be a dealer in a soap-nut. The claimant has also sworn to the number of trees standing on the land as per statement given by him and their value. Claimant's witness number 9 is examined to show the supply of soap-nut produce by the claimant to his shop. The entries in Exhibit F relate to some other person and not the claimant. Hence they are of no use. Besides claimant's witness Number 9 is illiterate and has no personal knowledge of them. The entries are also not proved. It is stated that the income per tree from cocoanut tree is about Rs. 1-0-0 per annum. Taking Rs. 50-0-0 as the normal annual income from Seege bush would be ten times i. e. Rs. 500-0-0. The income from honge seeds being about Rs. 15-0-0 per annum the value of honge tree would be Rs. 150-0-0. As there were said to be 5 cocoanut trees their value would be taken as Rs. 50-0-0 taking the income at Rs. 1-0-0 per tree. There is no reference to mango trees in the Commissioner's report but the Land Acquisition Officer has taken one tree into consideration as existing. However according to Claimant's witnessess there were said to be 4 mango trees. Claimant's witness No. 4 estimates their yield at Rs. 20-0-0 or Rs. 25-0-0. Taking all these circumstances into account the value of mango trees may be fixed at Rs. 100-0-0. The other trees do not seem to be of a fruit yielding nature and they should be treated as only fit for fuel. The claimant has valued them at Rs. 200-0-0. There is however no independant evidence on the point and I am of opinion

that they should be valued at Rs 25. The claimant will therefore get Rs. 825-0-0 towards the value of the trees.

9. The only other point that remains for consideration is as regards the damage claimed by claimant in view of the inconvenience caused to him as regards the access to the unacquired portion of his land. From a perusal of the village map and the oral evidence on record the only access to his land which was from the river side has been cut off by the acquisition of 12 guntas which formed the portion abutting the river bank. The claimant has stated that Spun Silk Company have shut out traffic from the road formed by them and that the claimant has to depend upon the whims and fancies of other neighbouring garden owners gaining entrance to his land. The village map does not show any other route to the claimant's land. In these circumstances, there is considerable truth in his grievance that the remaining portion of the land has lost much of its utility. It was contended by the respondent's learned counsel that the claimant was not entitled to damages inasmuch as he has not asked for it in his petition to the Land Acquisition Officer for reference under section 19 of the Land Acquisition Act. 138 India Cases page 426 cited by the claimant's learned counsel shows that he could make such a claim under Section 49 of the Land Acquisition Act even though he might not have made it before the Land Acquisition Officer. That he is entitled to compensation on account of diminished facilities of connection and access to his unacquired land is supported by the decision reported in 31 Indian Cases 259. The Claimant has assessed damages at Rs. 100. He has not shown on what basis he had claimed that amount. I therefore think that the award of some nominal damages would be sufficient and fix it at Rs. 25.

10. In the result, therefore, the claimant is entitled to compensation as follows:—

		Rs.
For 12 guntas of land	...	300
For trees	...	825
For damages	...	25
Total	...	1,150

with 15 per cent statutory allowance. He will also be entitled to interest at 6 per cent from the date on which possession was taken over. The parties will receive and pay costs in proportion to their success and failure.

Dictated to the Stenographer and pronounced in open Court on 31—7—40.

Sd. S. Ramachandra Sastri,
Additional District Judge.

MEMO OF COSTS.

		For the Claimant on Rs. 1.078-11-0	For the Respondent on Rs. 1,372
		Rs. a. p.	Rs. a. p.
	Stamp on application ...	1 8 0	0 0 0
2.	„ Vakalaths ...	1 0 0	0 8 0
3.	Processes ...	5 11 0	0 10 0
4.	Batta to witnesses ...	34 8 0	0 0 0
5.	Commissioner's fee ..	35 0 0	0 0 0
6.	Advocate's fee ...	53 12 0	68 12 6
7.	Stamp on Exhibits ...	1 0 0	0 0 0
8.	Copies, translation etc. ...	0 12 6	0 0 0
	Total ...	1,211 14 6	69 14 6

Amount including costs payable by the respondent Claimant is Rs. 1,211-14-6.

Amount of proportionate costs payable by the ant to the respondent is Rs. 69-14-6.

So the net amount payable by the respondent claimant is Rs. 1,142 (Rupees one thousand one hundred anc two only) and this amount shall carry interest at 6 per cent p num from the date the respondent took possession of the pı

Under Section 96 of the Code of Civil Procedure and Section 54 of the Mysore Land Acquisition Act, the Appellant abovenamed begs to prefer this appeal to this, Court against the decree dated 31—7—40 of the learned Additional District Judge, Bangalore Division, Miscellaneous Case No. 98 of 38—39 on his file, on the following grounds :—

1. (a) The learned Judge erred in enhancing the award for the land.

(b) The learned Judge should have held that the difference between earlier awards and the one in question was due to progressive deterioration in market value.

(c) The learned Judge should have held that there was no clerical mistake on the part of the Claimant when he claimed the amount from the Respondent and that his present explanation of it was an after-thought.

(d) The learned Judge should have drawn the necessary inference from the acquiescence of other persons who were satisfied with the award.

(a) The principle adopted by the learned Judge in valuing the trees was not correct.

(b) The learned Judege's conclusion regarding the number of trees and the stage of their growth was erroneous.

(c) When the learned Judge held that "evidence" in respect of the value "was not of a conclusive nature," this part of the award should not have been disturbed.

(a) The learned Judge erred in awarding damages even though a claim had not been put forward at the proper stage.

(b) The quantum was excessive.

(c) The learned Judge should have held that the claim was not sustainable.

The value of the appeal is Rs. 1,251-11-6, as follows

	Rs.	a.	p.
The amount awarded by the District Judge is	1,150	0	0
The amount awarded by the Land Acquisition Officer is			

So the difference of the above two items is	938	0	0
Plus 15 per cent Statutory allowance on this difference	140	11	0
	1.078	11	0

Plus Interest at 6 per cent :—

(1) on Rs. 1,078-11-0 from 4—6—1937 (the date of taking possession of the property) to 17—6—1938 (the date on which the Claimant received a sum of Rs. 243-13-0)	66	14	6
and			
(2) on Rs. 834-4-0 (being the balance after the above payment) from 18—6—38 to 31—7—40	106	2	0
Total	1,251	11	6

t-fee of Rs. 118-12-0 is paid herewith.

Sd. Mirle N. Lakshminaranappa,
Government Advocate,

1. The learned Judge erred in not awarding atleast Rs. 750 in respect of the soap nut bushes.

2. The learned Judge erred in his view that the income from the soap nut bushes was only Rs. 50 per annum since the evidence discloses that it was considerably more than that.

3. The learned Judge erred in not awarding the full amount of damages namely Rs.100 claimed by the respondent.

4. The learned Judge erred in not awarding Rs. 100 as the value of the fuel trees.

5. The learned Judge erred in not finding that there were four mango trees in the land at the time of the acquisition and in not awarding atleast Rs. 250 in respect of the mango trees.

6. The learned Judge erred in not finding that there were ten cocoanut trees in the land at the time of acquisition and in not awarding Rs. 100 as compensation in respect thereof.

7. The learned Judge erred in ordering the Claimant to pay the costs of the Land Acquisition Officer in proportion to the amount disallowed and there was no justification for such an order as to costs in view of the circumstances of the case.

The value of the cross objection is Rupees six hundred as explained below:—

	Rs.	a.	p.
(i) Excess of compensation claimed in respect of Soap nut bushes	250	0	0
(ii) Excess of damages claimed ...	75	0	0
iii) Excess of compensation claimed			
iv) Excess of compensation claimed			
in respect of fuel trees ...	75	0	0
in respect of Mango trees ...	150	0	0
(v) Excess of compensation claimed in respect of cocoanut trees ...	50	0	0
	600	0	0

Bangalore,

4—2—1941.

Note:—A copy of this memorandum of objection has been delivered to the Council for the appeal lant and his acknowledgment is herewith produced

Sd. M. P. Somasekhara Rao,
Advocate for Respondent.

Deposition of M. K. Srinivasa Iyengar, 1st witness for claimant.

Father's name—M. Krishna Iyengar. Age—54 years. Caste—Brahmin. Occupation—Landholder. Residence—Malur. Chennapatna Taluk.

Duly sworn 5—7—39:—I knew the claimant's land now acquired for the Spun Silk Mills. I have a land adjoining this land. My land and his are both bagayat lands. There were 30 to 38 honge 10 cocoanut and 4 mango trees in claimant's lands.

There were also 2 Thapasi trees and 4 mugali trees on this land. There were 6 soapnut bushes and 2 bamboo meshes also on his land. There was one Gall nut tree and one Seethapala tree and 3 margosa trees. There were 2 Ala trees also there. There were trees of other varieties also.

At the time the land was acquired the cocoanut trees were 6 or 7 years old and in 1 or 2 years they would have yielded fruits. Claimant would have got Rs. 10 to 12 worth of leaves and Rs. 7 or 8 worth of seeds from his honge trees. There were 2 country mango trees and 2 graft mango trees. These 2 graft mango trees would yield Rs. 20 per year and the country trees would yield 10 or 15 years. The 3 margosa trees would fetch 3 or 6 trees. The Soapnut bushes would yield Rs. 100 worth of crops. The Ala trees are worth Rs. 2 each. Each Mugali tree is worth Re. 1. The bamboo meshes are worth Rs. 20 or 25. The gallnut tree was yielding Re. 0-8-0 worth of produce a year. Claimant's lands are worth Rs. 1,000 per acre. By acquiring a portion of claimant's land the passage is blocked to the remaining portion as the Spun Silk Compady has put up a wire fence. Claimant has access to his portion only through Rangegowda's land. Claimant cannot cultivate his remaining portion as this portion is narrow.

The well if sunk on this land does not yield water. From the time of his grandfather, the claimant has been enjoying the usufruct of the trees on the land by the side of the river. My land is S. No. 89. I have 40 acres of garden land and 5 or 6 acres of wet land and 20 acres of dry land. The bamboo meshes and Soapnut bushes are at least 50 years old.

Cross-examination :—I have not purchased any land near the acquired land neither have I sold any land there. Rangegowda's land also has been acquired for the Spun Silk Mill. I know some land higher up. Mine has been sold for Rs. 2,700. It is 2 acres and 3 guntas in extent half of lands S. Nos. 77, 78, and 79 have been sold for Rs. 2,700 and this comes to 2 acres and 33 guntas. These lands belonged to Kikke Krishniengar's and have been sold to Rangegowda. This land is ½ or 3/4th furlong from the acquired land. S. No. 94 is 1 or 1½ acres in extent. I do not know how much of it has been acquired. I cannot say to whom S. No. 95 belongs. Survey No. 93 belongs to Rangegowda. In 1933

3 and odd acres in S. No. 93 and 95, no 2 or 2¼ acres were sold for Rs. 1,500. I cannot say if 3 and odd acres has been sold in these 2 numbers for Rs. 1,500. Before claimant's land was acquired some other lands to the south of his land were acquired. I do not know if these lands were acquired at Rs. 400 an acre. I know they were acquired at Rs. 1,000 per acre. Claimant gets his land cultivated through servants. Claimant himself looks after the trees on his land. I was present when the claimant collected the produce of his trees 4 or 5 years ago. I saw the collection of produce. He sells them. I did not see what he realised by the sale of such produce.

Re-examination :—Rangegowda's land and claimant's are of the same quality. Rangegowda's lands contain only mango trees and cocoanut trees.

Taken down by me and interpreted to the witness and admitted by him to be correct.

Sd. A. Sundararaja Rao,
Additional District Judge.

Deposition of Papiah, 2nd witness for claimant.

Father's name—Kaliah. Age—35 years, Caste—Arya Naiyana Kshatriya. Occupation—Photographer. Residence—Channapatna.

Duly sworn 31—7—37 :—I know the claimant. I have taken a photograph of his land. There were 6 Soapnut bushes on his land. These bushes were big ones. Exhibits A2 to A3 are the photographs of the land showing the position of the trees. There were 6 or 7 Honge trees there. These 4 photos show the different sides of the land.

Cross-examination :—These photographs were taken 3 or 4 monts back. I have got the negatives of these photos. claimant said that the land was his. I have taken photos both from inside and outside the land. I did not count the trees on the land. There was no reason for me to do so. In Exhibit A2 the trees of others also have appeared. In A1 the portion on the left side is claimant's land. In A and A3 only the land of claimant appears.

Taken down by me and interpreted to the witness and admitted by him to be correct.

Sd. A. Sundararaja Rao.
Additional District Judge.

Deposition of Nanjegowda, 3rd witness for claimant.

Father's name—Choodegowda. Age—50 years. Caste—Gowda. Occupation—Agriculture. Residence—Chickamalur. Chennapatna Taluk.

Duly sworn 31—7—39:—The Water Supply Department has acquired my land. Exhibit B is a copy of the award regarding acquisition of my land. I have seen claimant's land in question. It is 30 or 40 yards off my land acquired. I was given compensation of Rs. 464 for 7½ guntas. This amount includes the value of trees. Claimant's land is superior to mine.

Cross-examination:—My land was acquired 3 or 4 years ago. I do not remember my land is on the side of the river. Petitioner's land also is by the side of the river. The total extent of my land is 3 and odd acres. It is my ancestral property. My land had no trees except 5 cocoanut trees. There was no building in my land. There were betel-nut creepers also on my land which was acquired. My land and claimant's land are garden lands.

Taken down by me and interpreted to the witness and admitted by him to be correct.

Sd. A. Sundararaja Rao,
Additional District Judge.
31—7—3

Deposition of Puttasamanna, 4th witness ... ...

Father's name—Yellegowda. Age—50 years. Caste—Vokkaligar. Occupation—Agriculture. Residence—Channapatna.

Duly sworn 31—7—39:—I have seen the land of the claimant acquird for the silk factory. It is on the bank of Kanva river. I pay an assessment of Rs. 300. I live by agriculture. I cultivate some lands myself and I have leased some. I have seen C3 Nanjegowda's land acquired for water works. His land and claimant's land are 70 or 80 yards apart and both lands fetch the same value. Claimant's land is in better condition, only a small portion of the claimant's land has been acquired. On this account there is inconvenience for claimant. The remaining land cannot be cultivated properly. There is difficulty to carry manure to the land. Water cannot be had easily for this land as the river bank is acquired. The silk factory has opened a road. But the factory people do not allow cart to pass on this road. Claimant has to go to his land in a round about way over the land of others. If those land owners do not permit him there is no way for him to go to his land. On our way to the Bridge and on our way to witness the water works we pass through claimant's land. There

were 30 or 35 honge trees, 6 or 7 soap nut bushes on claimant land. These bushes were yielding produce worth Rs. 50 to 1 every year. There were 4 or 5 mango trees. 3 of them we grafted ones. They were yielding 20 or 25 Rs. worth of fruits year. There were 10 or 12 cocoanut trees including big and sm once. There was one aale plant and 2 bamboo mesh. The meshes were costing 23 or 25 Rs. I own 52 shares in the Sp Silk Mills.

Cross-examination :—My lands are very far off from t claimant's land. Rangegowda's land is about 15 or 20 yards fro the river. It is a fairly good land. It is also a garden land. also contains mango and cocoanut trees. The silk factory pe prevents people from going on this factory road. There is al a board put up there. The remaining portion of claimant's lar is lying fallow. Claimant is taking the produce of the land ev now. Claimant had planted plaintain trees on his land. I cann say if these trees exist when the land was acquired. The land claimant was acquired 2 years ago. I go near this land on m walk. I have not counted the trees on the acquired land. I w present on many occasions when claimant collected the produce. have got his soap nuts sold to the mandi of Puttasami in Ban lore. Puttasami is my wife's uncle's son. He has got patties soap-nut supplied to him. I cannot say if there are any plaint trees now on that land.

Re-examination :—On account of inconvenience going to the land the land is lying waste. The factory road not a public road. There is a board there prohibiting entry this road without permission. I estimated the number of tr approximately.

Taken down by me and interpretted to the witn and admitted by him to be correct.

Sd. A. Sundararaja Rao,
Additional District Judge.
31—7—39.

Deposition of Thimmegowda, 5th witness for pe sioner.

Father's name—Rangegowda. Age—26. Caste Vokkaligar. Occupation—Agriculture. Residence—Thittamaran halli, Chennapatna Taluk.

Duly sworn 24—7—1940 :—I own lands in Chic malur which I purchased under Exhibit D. I have seen cl mant's acquird land. It is about a furlong from my land. It superior to my land. The Railway passes between the two. T claimate's acquired is on the bank of Kunva river and has wat facilities. The river is about half a furlong from my land.

Cross-examination :—I own no other land there. Maluor is 2 furlongs from Channapatna. My land is a garden of cocoanut trees. There were cocoanut and mango trees. Soap-nut bush and honge trees when I purchased it. There are 200 cocoanuts trees varying from 7 to 12 years in age. There are five mango trees. Cocoanut and mango trees are in bearing. There were three wells in the land, not stone rivetted. I have cleared the prior encumbrances and taken back the deeds. I have not brought them to-day.

Re-examination :—There were honge, cocoanuts, mango trees and soap-nut bushes on claimant's land. They were yielding good produce. The wells on my land are of mud. I pay Rs. 150 Kandayam in all for my lands

Taken down by me and interpretted to the witne and admitted by him to be correct.

Sd. S. Ramachandra Sastri,
Additional District Judge, Bangalore.
24—7—1940.

Deposition of C. G. Puttaswamy
for claimant.

Father's name—Gadde Gowda. Age—38. Caste—Vokkaligar. Occupation—Agriculture. Residence—Maloor, Channapatna Taluk.

Duly sworn :—24—7—1940. I had gone to acquire garden to take the produce of Mangoe trees for lease. I had taken the produce for lease once in 1936. I had taken Mango produce and Soap-Nut produce for Rs. 130 for one year only. I had not gone to that land after that. The garden is on the bank of the river. I pay a kandayam of Rs. 265 per annum.

Cross-examination :—There are no dhaklas to evidence the lease. I took claimant's garden produce only for lease. I had my own garden produce. In 1938—39 I took Yalakki Gowda's garden for lease. I was taking from 1933 ever since I had a shop at Cantonment. There are cocoanuts maintained by me. The lease does not find a place in the shop accounts. They are noted in chits. I used to take leases in a year. I can say approximately for what amount I have taken a garden for lease in particular. There are patties showing the details. I have not taken receipt for amounts paid by me.

Re-examination :—There is no custom to obtain receipts for such payments. Claimant has no other soap-nut bush.

Taken down by me and interpretted to the witness and admitted by him to be correct.

Sd. S. Ramachandra Sastri,
Additional District Judge,
Bangalore,
24—7—40.

Deposition of Honne Gowda, 7th witness for claimant

Father's name—Javarayi Gowda. Age—50. Caste—Vokkaligar. Occupation—Agriculture. Residence—Thimmasandra. Channapatna Taluk.

Duly-sworn :—24—7—1940. In 1934—1935 I had taken for lease the produce of claimant's soap-nut bushes for Rs. 100 and Rs. 120 respectively.

Cross-examination :—I collected the produce and sold it at Channapatna and in villages in retail. For the past 10 or 12 years I have been dealing in soap-nut. I take the produce on lease. I cannot state details of all leases. I have not kept any accounts to show all these. I have not taken any receipt. All that is done on trust. My village is 2 or 3 miles from Chick-maloor. I have not seen if there are soap-nut bushes in other gardens at Chick-maloor.

Re-examination :—The claimant had no other soap-nut bush else where.

Taken down by me and interpretted to the witness and admitted by him to be correct.

Sd. S. Ramachandra Sastri,
Additional District Judge,
Bangalore,
24—7—1940.

Deposition of Choode Gowda alias Puttaswami Gowda, 8th witness for claimant.

Father's name—Javarayi Gowda. Age—30. Caste—Vokkaligar. Occupation—Agriculture. Residence—Chikkamaloor, Channapatna Taluk.

Duly-sworn :—24—7—1940. The acquired land is no the bank of the river Kunva. It is garden land. There were 10 cocoanut, 4 mango plants, 6 soap-nut bushes. These were adjacent to the river. I have given a statement about the same. The soap-nut bushes were about 20—25 years old, cocoanut trees 10 to 15 years old. I was collecting their produce and some times

leasing out the produce. The garden is my ancestral property The Government never made a case against us alleging that the produce does not belong to us. Nor have the Patel and Shanbhogue put up takarar thakthe in respect of it. I used to get 100 to 120 rupees per annum from soap-nut bushes. In 1 year I got Rs. 80 only, at Re. 1 per cocoa-nut tree per annum from Rs. 15 to Rs. 25 from Honge-seeds. There were 38 Honge Trees At current rates I would have realized about Rs. 200 by sale of the trees as fuel to the factory. I used to get from Rs. 25 to Rs. 30 per annum from 4 mango trees. There were 2—3 Margosa Trees. I value each of them at 2 or 3 Rupees. I pray for relief as per statement filed by me in respect of plants. It is only part of my land that has been acquired. One more gunta has been taken possession of wrongfully and I have given a notice for it. There is no way for me to go to the unacquired portion of my garden. People have to come by a round about way. Formarly used to go on the acqnired land to go the garden That road has been closed by Government to others Cattle cannot go into my land. It has fallen into dispute. I have to go on other's lands to get into my land, with great difficulty. I am maintining betal-leaf creepers. I have claimed damages of Rs. 100 for the loss caused to me. I pray for compensation for the acquired land as per claim contained in my statement. I had leased the produce in two years to Claimant' wintess No. 7 and once to Claimant's witness No. 6. In other years I had leased it to others, and I had also collected the produce and sold to Linganna and Puttashamanna Mandi Merchants of Bangalore. It is the Western portion of my garden of 1/110 acres that has been acquired. The Western end of it abuts the river. There is no Sircar between the Western end of my land and the river bank. There are no trees on the river bed beyond the Western end of my garden. I have given a statement to the Land Acquisition Officer.

Cross-examination :—There are lands of others on the bank of the river which have been acquired. To the South of my acquired are the acquired lands of Bettegowda, Chikkathammiah and Nanjegowda. Compensation has been awarded to them also at Rs. 400. Their lands are also adjacent to the river. They have not preferred claims for enhanced compensation to this Court. I am not aware if a Mahazar was drawn up in respect of the number of trees standing on my acquired land. I do not know of it at all. The land is about 23 furlongs from my residence. Exhibit III is the statement given by me to the Land Acquisition Officer regarding number of trees etc. The Land Acquisition Officer had come to spot after I gave it.

(Note :—He came at 6-30 p.m.) He did not count the trees as per mahazar. I was present when he visited the garden. I requested him to count the trees. But he did not count. I did not give a petition to him after that requesting him to count the

trees. Exhibit IV is the petition given by me to him. It is singed by me. I filed it through my lawyer Mr. Hanumanthiah. I do not know if I have claimed in it., at Rs. 15 per gunta. I had to get into my garden from the river. So also the two persons owning gardens to the South of my land. The village is to the South of my land. There is a land to the East of my land. To go to it there is a path to the North of my land. People get into other lands from the kalve. There is only one land between and it has a passage as stated above. I asked the Mills Manager if we could use the road opened by the Mills. He said that we should not use it. That was 2 or 2½ years ago. I have not kept accounts to show the leases given by me. I have no other dhaklas also. I was carrying produce along the river by carts. Carts can pass on the river bed. On the Northern boundaries of my land there is passage leading to the garden which is situated to the north of it. One has to go there from the river.

Re-examination :—There is no passage from the Northern passage to get into my portion of the garden which is left unacquired. Exhibit A2 refers to that land. It is the North of the acquired portion of my land Sub-Division Officer did not count as it became dark and there was rain.

Taken down by me, and interpretted to the witness and admitted by him to be correct.

Sd. S. Ramachandra Sastri,
Additional District Judge,
Bangalore,
14—7—40.

Deposition of Lingappa, 9th witness for Claimant.

Father's name—Huchegowda. Age—42. Caste—Vokkaligar. Occupation—Mandy Merchant. Residence—Bangalore.

Duly sworn 25—7—40 :—The claimant has sold me as per entry Exhibit E1 in Exhibit E kacha day book. The corresponding entry in Exhibit F pakka day book is Exhibit F1.

Cross-examination :—These entries were made by a clerk of mine by name Shamanna. The pencil note in Exhibit E1 regarding date was also made by him. I do not know how to read and write. I do not know to what land the soapnut produce related. My present clerk picked out Exhibit E1 and F1 and is with me from 2 years. Claimant's name is noted as Choodegowda in my account and not as Puttasamigowda. Many others from Chennapatna and Chickmalur side supply soapnuts to my mandy.

Re-examination :—Nil.

Taken down by me, and interpretted to the witness and admitted by him to be correct.

Sd. S. Ramachandra Sastri,
Additional District Judge,
Bangalore.

Deposition of S. Muninanjappa, Ist witness for respondent.

Father's name—Sanjeevappa. Age—35. Caste—Gollar. Occupation—Sub-Division Officer. Residence—Davangere.

Duly sworn. 17—8—39:—I was the Sub-Division Officer of Closepet in 1937. I acquire certain lands in Chennapatna for the Mysore Spun Silk Mills. I took charge of the Sub-Division in November 1936. I have inspected Choodegowda's land a portion of which has now been acquired. I based my valuation on the value of Mahajardar's opinion and on the previous awards relating to lands in the locality. The previous awards related to acquisition of lands for the same Mills and for Water Works Channapatna. The previous acquisition was in 1936. My award for the lands of Choodegowda I award Rs. 400 per acre basing my award on the award of other Sub-Division Officers for similar lands in that locality. When I acquired Choodegowda's land at the same time I acquired other lands in that vicinity. Exhibits I to I(e) are the four awards I have made regarding these lands. These awards have been accepted by the owners of the lands acquired without any objection. I have noted the trees standing at Choodegowda's land when I inspected the trees. There were not availale the trees described by Choodegowda in his statement on that land acquired. I have got the land to be acquired measured by the Mojinidar whatever trees there were on the land acquired I have mentioned in the award. One Kapine Patiah measured the land to be acquired and sent a Mahazar Exhibit II. I verified this by personal inspection of the land. Choodegowda was present when I verified this. Choodegowda has given a statement as per Exhibit III then. Exhibit III(a) has been recorded by me. Choodegowda orally gave this and I reduced it as per Exhibit III(a). I have noted the fact of inspection as per Exhibit III(b). Exhibit IV is the petition filed by Choodegowda for referring the matter to the Court. Exhibit V is the award I have passed in the case.

Cross-examination:—I made only one Mahazar regarding this land. The Revenue Inspector, Patel and Shanbhogue may have held a Mahazar once. I am not aware whether Choodegowda filed an application stating that that award was not correct. Exhibit II the mahazar was drawn up by the Amildar. From the report of the Amildar I find that Choodegowda was present at the

time of the mahazar but that he refused to sign it. I do not remember his having come and told me that he did not refuse to sign it. I cannot say at what part of the day I visited this land and whether it was raining then. The car cannot go near that land. We must walk to the land from the road. I did not verify the trees mentioned in the statement but I verified the trees found on the land acquired. When Choodegowda filed Exhibit III, I directed the Amildar to verify the statement by inspecting the spot in the presence of parties concerned. The Amildar inspected the land with the Mojinidar and Choodegowda and other claimants and drew up a mahazar showing the number of trees standing on the acquired land and submitted a report to me on 26—9—37 along with the mahazar. Thereupon I inspected the spot to verify the mahazar. I cannot say whether Exhibits A to A(3) and B refer to the acquired land. The Mojinidar, Choodegowda and other claimants were present when I inspected the land. The honge trees were tender ones, i. e. small ones. The mango trees, the land I acquired out of Choodegowda's land adjoins the road leading to the Spun Silk Company and belonging to it. There are many roads leading to Choodegowda's land. Exhibit C is the Nakasa of Chickmalur village. No road is shown in the Nakasa. I considered the valuation of the adjoining lands by reference to the records of the Sub-Registrar. I might have seen Nanjegowda's land S. No. 106. It is by the side of Kanva river. Choodegowda's land also by the side of the same river. I did not ask Choodegowda to show me Nanjegowda's land. I did not ascertain when I went to the spot which was Nanjegowda's land. I have valued the trees both on their yield and on their then value. I have considered the labour and care required for bringing the trees to the condition they were in at the time of inspection.

Re-examination :—Exhibit VI is the order I issued to the Amildar and VI(a) is the report of the Amildar accompanying the mahazar. Nanjegowda's land is very close to the public road and Chickmalloor village.

Taken down by me and read over to the witness and admitted by him to be correct.

Sd. A. Sundararaja Rao,
Addl. District Judge.
17—8—39.

EXHIBIT 'B.'

Inld. A. S. R.,
Additional District Judge.
31—7—39.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Mis. Case No. 98 of 1938—39.

Claimant :—Choodegowda.

Vs.

Respondent :—The Assistant Commissioner, Closepet Sub-Division.

Affixed Court Fee stamps—Two of As. 8 value each.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER. CLOSEPET SUB-DIVISION.

and Acquisition Case No. 11 of 1935—36.

Present :—Mr. T. Rangaswami, B.A.,
Assistant Commissioner and
Land Acquisition Officer.

1. Government have in their Order No. L. 1287:90/Mul. 39—35—4 1/16th August 1935 sanctioned the Acquisition of 7.68 guntas garden out of Survey No. 106 measuring 1 acre 15 guntas garden assessed at Rs. 8 in the village of Chickamalur of Chennapatna Taluk for the purpose of the location of Pumping Station of Chennapatna Water Works and the same has been notified in the Mysore Gazette (vide page 737 Part III dated 25—8—35).

2. The lands to be acquired have been measured and marked out. Due notices were given to Khatedar and others interested and published at convenient places on or near the land to be taken stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 18—9—35.

3. The Khatedar is Nanjegowda, son of Choodegowda and the name of the Anubhavadars are Nanjegowda, son of Choodegowda.

4. He has given a statement that he is the owner and Anubhavadar of the land and that he has not alienated the land to anyone in any way, that this land is not included in the property which has been mortgaged to Yejaman Sreenivasaiya who has lodged a suit in the Munsiff's Court, Closepet, Choodegowda who has put in a Takarar petition in his brother's son and he

is living with him. The family has not been divided and hence his Takarar is not valid etc.

5. He claims a compensation of Rs. 1,000 for land including trees etc. (A prohibitory order No. O. S. 736 of 1926—30 and Execution No. 1014 of 34—35 for attachment of Rs. 225-11-6 has been received from the Munsiff, Closepet with No. XX 1432 dated 15—9—36).

6. The tree area of the land to be acquired is 0-7.68 guntas of garden. The party claims Rs. 1.000 for lands, trees etc., as compensation. The villager's value as per this Mahazar is Rs. 1,000 per acre. The average sale of similar lands as ascertained from the Sub-Registrar's Office reference is Rs. per acre.

7. The following trees, buildings, etc., are in the acquired portion and valued by the Mahazardars is betel leaves (Hambu) and Cocoanut trees and plants are valued by the Mahazardars is Rs: 158. The loss of young plants is valued at Rs. 51. The loss of young seven plants is valued at Rs. 3. Chuchili is valued at Rs. 2 The value in all amounts to Rs. 211 only. (Two hundred and Eleven only).

8. The compensation which in my opinion is awarded as under :—

The acquisition is for 7-61 guntas out of Survey No. 106 measuring 1 acre and 15 guntas of Bagayat land of Chikkamalur village, Chennapatna Taluk. This is for water supply pumping station. The land has been valued by Mahazardars at Rs. 1,000 per acre. It is seen from the index of Sub-Registrar's Office that land has been sold in the neighbourhood at Rs. 1,200 per acre (Survey No. 49/4). The valuation made by the Mahazardars is fair. The party asks for compensation which works out Rs. 4,000 per acre. This is unreasonable and extravagant claim. I therefore find that Rs. 1,000 per acre is reasonable as shown in the mahazar and for the portion to be acquired a compensation of Rs. 189 will be paid. For the trees, the mahazar value will be accepted as they stand in the Acquired portion. The total amount to be paid together with statutory allowance will be Rs. 466-14-0 only.

As per prohibitory orders of the Civil Court, Rs. 225-11-6 will be withheld and the balance paid to Nanjegowda, Khatedar and Anubhuvadar.

Sd. T. Rangaswami,
Land Acquisition Officer,
Closepet,
30—9—35.

Copy applied by Choodegowda alias Puttasamigowda.

„ on 13—12—38.

„ ready on 13—1

„ delivered on 13·

Copy by..... Sd. S. Sundarm.

Compared by.....Sd. (Not clear).

Number of words .... 489 words.

Copying fees ... 0-10-0.

Comparing fees. ... 0-2-6.

Bears the Rubber Stamp of the Office of the Sub-Division Officer, Closepet Division, Closepet. Dated 13th Dec. 1938.

"Copy"

By Order.

Sd. Not clear.

Head Clerk,

13—12—38.

EXHIBIT D.

Sale deed dated 14—12—1936 executed in favour of Thimmegowda, son of Chikkarangegowda, residing at Thittamaranahalli attached to Mangalavarpet, kasaba Hobli, Channapatna Taluk by (1) M. K. Venkata Iyengar, 33 years and his younger brother (2) M. K. Sampath Iyengar, 25 years, sons of Mallur Krishna Iyengar, residing at Kille, Channapatna Town, Channapatna Taluk, is as follows :—

For our pressing necessity i. e. to discharge the debt contracted with Maridasegowda, of Thittemaranahalli on mortgage and also mortgage with possession of the following garden, for my (M. K. Sampath Iyengar) marriage expenses, as well as our family expenses, we have this day sold to you for Rs. 2600 the northern half of the said garden, situate at Chickmallur village, Channapatna Taluk, belonging to us, bearing original S. No. 80, Re-Survey No. 77 measuring 1 acre 38 guntas, assessd at Rs. 121 Original S. No. 82 re-Survey No. 79 mearsuring 1 acre 28 guntas assessed at Rs. 10 and Original S. No. 83. R. S. 80 measuring 2 acres 3 guntas. assessed at

West—Chaluvaiah's garden and Kanva river;

North—Putta Siddegowda's garden and,

South—Andalvar's garden and Sreenivasa Iyengar's garden.

Excluding the southern half belonging to M. S. Thiruvengadachar, my senior paternal uncle's son. We have received the consideration of the sale from you as detailed below :—

Rs. 1600 borrowed on 24—7—1933 from the said Maridasegowda, under a mortgage of the said garden, Rs. 100 being the principal borrowed on 16—5—34 from the said Maridasegowda, on executing a registered hypothecation deed and Rs. 30 being interest thereon, Rs. 50 being the principal borrowed on 24—10—1935 by me, M. K. Venkata Iyengar from the said Maridasegowda on executing a registered hypothecation bond and Rs. 7 being interest thereon, Rs. 50 being the principal borrowed on 7—10—36 by me, M. K. Sampath Iyengar from the said Maridasegowda, on executing a registered hypothecation bond and Re. 1 being interest thereon. In this way, a sum of Rs. 1838 is due to the said Maridasegowda, by us, in respect of mortgage and hypothecation deeds and the said amount is retained with you alone for the purpose of redemption of to the mortgage property, out of the remaining sum of Rs. 762. We have received Rs. 100 in cash from you in the presence of the under signed witnessess and will receive the balance of Rs. 662 from you before the Sub-registrar, Channapatna. We have received the consideration from you as stated above. Hereafter, you and your posterity are entitled to enjoy all rights in and appurtenant to the property, which has not been alienated in any other way and in favour of any other person excepting those in favour of the aforesaid Maridasegowda. If any such arise in future, we will have them settled out of our movable and immovable properties. You should pay the amount due to the said Maridasegowda and get back the mortagage and hypothecation deeds duly endorsed by him, along with other reference documents mentioned in the said mortgage deed.

To this effect is this sale deed executed.

Sd. M. K. Venkata Iyengar,

Son of Mallur Krishna Iyengar,
Channapatna.

Sd. M. K. Sampath Iyengar,
Son of Mallur Krishna Iyengar,
Kille Channapatna.

Witnesses :—Sd. Lakshminarasimhachar,
Son of Gundachar, Abbur

Sd. Srenivasa Iyengar,
Son of Kille Krishna Iyenga

Writer :—M. K. Venkata Iyengar,
Executant.

Registered.

IN THE COURT OF THE ADDITIONAL DISTICT JUDGE AT BANGALORE.

Miscellaneous Case Number 98 of 1938—1939.

Claimant :—Choode Gowda.

Vs.

Respondent :—The Assistant Commissioner & Land Acquisition Officer, Closepet Sub Division.

District Court Bangalore.

Mis. No. 98 of 38—39.

EXHIBIT I.

Proved by Opponent's witness 1.

Inld. A. S. R.
Additional District Judge,
17—9—39.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB-DIVISION.

Land Acquisition Case No. 3 of 37—38.

Present :—Mr. S. Muni Nanjappa, B.A. B.L.,
Assistant Commissioner and Land Acquisition Officer.

1. Government have in their Order Number D 125 Seri. 1—36—13 dated 5th July 37 sanctioned the acquisition of 0-acres 3/4 gunta out of S. No. 96 garden measuring 0-acres 13 guntas and assessed to Rs. 2 in the village of Chikkamalur of Chennapatna Taluk for the purpose of for the Mysore Spun Mills at Chennapatna and the same has been notified in the Mysore Gazette. (Vide page 581 part III(1) dated 15—7—37.)

2. The lands to be acquired have been measured and marked out. Due notices were given to khatedar and others interested and published at covenient places on or near the land to be taken, stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 25—8—37.

3. The khatedar is Bettegowda, son of Narasimhagowda and the names of the Anubhavadars are:—

The statement of Bettegowda was recorded. He claims compensation at the same rate already paid to portion of this land which was already acquired for the same purpose. He also claims or 1 Mango tree at Rs. 20 for one Cocoanut tree at Rs. 10 and or one Honge tree at Rs. 2.

One Venkatamma presented a petition and also given statement that this land belongs to her, that compensation should ot be paid to Bettegawda and taht the same should be paid o herself.

4. The true area of the land to be acquired is 0-3/4 of gunta. They party claims at the rate already paid to a portion f the land which was acquired for the same purpose as compenation. The villagers' value as per their Mahazar is Rs. 400 per cre. The average sale of similar lands as ascertained from the Sub-Registrar's Office reference is Rs.— per acre.

A compensation at Rs. 400 has been paid for a portion f this Survey Number which was acquired for Spun Mills as per . O. Number D 1448 Seri. 1-36-6 dated 24—8—36 (L. A. C. No. 9 f 1936—37)

5. The following trees, buiding etc., are in the acquired ortion and value of the Mahazardars is

		Rs.	a.	p.
Ona Cocoanut	...	5	0	0
Honge trees 2	..	2	0	0
		7	0	0

The Mango tree claimed by the party is not in the portion to be acquired (Vide Mahazar dated 25—9—1837 before the Amildar).

6. The compensation which in my opinion is awardable is as under:—The extent acquired for the Supn Mills at Chennapatna is 3/4 gunta in Survey No. 96 of Chikkamalur village. The

party's statement is recorded. He claims compensation at the rate awarded on previous occasion. The rate at which compensation was awarded previously and accepted by him in Land Acquisition Case 9 of 1936—37 is Rs. 400 per acre The Mahazardars estimate at the rate of Rs. 400 per acre. The rate awarded is quite reasonable.

Regarding the trees he claims Rs. 32 as noted overleaf. The Mahazardars estimnte at Rs. 7. I am inclined to award a little more than what the Mahazardars estimate and award as follows :—

For land 3/4 gunta at Rs. 400 per acre ...	7	8	0
For trees one Coeoanut tree	10	0	0
Honge trees 2	2	0	0
	19	8	0
Statutory allowance at 15 per cent ...	2	14	0
Total ...	22	6	0

Rupees Twenty two and annas six only.

This amount may be paid to Bettegowda in case Venkatamma who has filed a takrar application agrees. Otherwise the case may be referred to District Court for adjudication under Section of Land Acquisition Regulation.

Sd. S. Muni Nanjappa,
Land Acquisition Offi
30—9—37.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

Miscellaneous Case No. 08 of 38—39

Claimant :—Choodegowda

Vs.

Respondent :—The Assistant Commissioner and Land Acquisition Officer, Closepet, Sub-Division.

District Court, Bangalore.

EXHIBIT I(a).

oved by opponent's witness No. 1.

Intld. A. S. R.,

Addl. District Judge.

17—8—39.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB-DIVISION.

Land Acquisition Case No. 1 of 37—38.

Present :

Mr. S. Muninanjappa B.A., B.L.,

Assistant Commissioner and Land Acquisition Officer.

1. Government have in their order D. 125-Seri 1—36—13 dated 5th July 1937 sanctioned the acquisition of 0-2 guntas. out of Survey No. 93 garden measuring 1 acre 14 guntas and assessed to Rs. 8 in the village of Chikkamallur of the Chennapatna Taluk for the purpose of for the Mysore Spun Mills at Chennapatna and the same has been notified in the Mysore Gazette. (Vide 581 Part III(I) dated 15—7—37.

2. The lands to be acquired have been measured and marked out. Due notices were given to Khatedar and others interested and published at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 25—8—37.

3. The khatedar is Rangegowda, son of Gavidase Gowdana Venkategowda and the names of the Anubhavadars are do.

The statement of Rangegowda was recorded. He claims a lumpsum compensation of Rs. 100 for land. For 4 cocoanut trees at Rs. 25 each and one Chuffali tree at one Rupee.

4. The true area of the land to be acquired to 0-2 guntas. The party claims at a Lumpsum of Rs. 100 for land per acre as compensation. The villager's value as per their Mahazar is Rs. 400 per acre. The average sale of similar lands as ascertained from the Sub-Registrar Office reference is Rs. per acre. For the neighbouring similar lands viz., 94, 95, 96, 97 portion of which was acquired a compensation at Rs. 400 has been awarded. (Vide this Office Land Acquisition Case Nos. 7

8, 9 and 10 of 36—37. This Rangegowda was also paid at Rs. 400 for his Survey No. 95 referred to above.

5. The following trees, buildings etc., are in the acquired portion and value by the Mahazardars is :

	Rs.	a	p.
Two cocoanut tress. Lumpsum	10	0	0
Three cocoanut (ಸೂಪಿಗಳು)	6	0	0
	16	0	0

Chuffali tree claimed by him is not in the portion to be acquired He was present on 25—9—37 when the Amildar inspected the trees and signed the Mahazar drawn by the Amildar.

6. The compensation which in my opinion is awardable is as under :—The extent acquired for the Spun Mills out of Survey No. 93 is 2 gunts. The statement of the owner has been recorded. He claims a lumpsum compensation of Rs. 100 for the land and 101 for 4 cocoanut trees and one Chuffali tree. The compensation awarded for the similar land acquired for the Spun Mills during the year 1936 was at the rate of Rs. 400 per acre (Vide Land Acquisition Case No. 7, 8, 9 and 10 of 36—37). The Mahazardars also six the rate at Rs. 400 per acre. The claim of the owner for a lumpsum compensation is exhrobitant. The rate of Rs. 400 per acre is fair.

Regarding the question of malki it is found that there are two cocoanut trees and 3 small cocanut plants as seen from the Mahazar. The value estimated by the Mahazardars is Rs. 16 while the owner claims Rs. 100. The claim of the owner is however exhorbitant. As the malki consists of two young cocoanut plants I am inclined to award at the rate of Rs. 10 for each big tree and Lumpsum amount of Rs. 10 for the three small ones.

The following amount of compensation is awarded for land (2 guntas) at the rate of Rs. 400 per acre 20 Malki 2 cocoanut plants at Rs. 10 each and three small cocoanut plants.

	Rs.	a.	p.
Small cocoanut plants	30	0	0
	50	0	0
Statutory allowance at 15 per cent	7	8	0
	57	8	0

Rupees fifty seven and annas eight only.

This amount may be paid to Rangegowda.

Sd. S. Muninanjappa,
Land Acquisition Officer,
30—9—37.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

Miscellaneous Case No. 98 of 38—39

Claimant :—Choodegowda.

Vs.

Respondent :—The Assistant Commissioner and Land Acquisition Officer, Closepet Sub-Division.

District Court, Bangalore.

Mis. Case No. 98 of 38—39.

EXHIBIT I b.

Proved by Opponent's Witness No. 1.

Intld. A. S. R.,
Addl. District Judge.
17—8—39.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB-DIVISION.

Land Acquisition Case No. 5 of 37—38.

Present :

Mr. S. Muninanjappa B.A., B.L.,
Assistant Commissioner and
Land Acquisition Officer.

1. Government have in their order No. D. 125-Seri. 1—36—13 dated 5th July 37 sanctioned the acquisition of 0-acres 5½ guntas out of Survey No. 97 Garden measuring 1 acre 35 guntas and assessed to Rs. 11 in the village of Chikkamalur of the Chennapatna Taluk for the purpose of for the Mysore Spun Mills at Chennapatna and the same has been notified in the Mysore Gazette. (Vide page 581 Fart 3(1).

2. The lands have to be acquired have been measured

and marked out. Due notices were given to khatedar and others interested and published at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 25—8—37.

3. The Khatedar is Naniegowda and the names of the Anubhavadars are - do

He claims compensation at Rs. 1,500 per acre for land.

He also claims compensation for the trees as follows:—

		Rs.	a.	p.
2 Bage trees at Rs. 10	...	20	0	0
15 Honge trees at Rs. 3	...	45	0	0
5 cocoanut trees at Rs. 10	...	50	0	0
3 Seege meles	...	100	0	0
Total	...	215	0	0

In addition he claims damages for one Seege mele and 500 cocoanuts out cnd removed by the Deputy.

4. The true area of the land to be acquired is 5½ guntas. The party claims at Rs. 1,500 per acre for land as compensation. The villager's value as per their Mahazar is Rs. 400 per acre. The average sale of similar lands as ascertained from the Sub-Registrar's Office is Rs. per acre. A compensation at Rs. 400 has been awarded for the same purpose as per G. O. No. D. 1448-Seri 1-36-6 dated 24—8—36 (Vide Land Acquisition Case No. 10 of 36—37.)

5. The following tress, buildings etc., are in the acquired portion and valued by the Mahazardars is as follows:—

		Rs.	a.	p.
(1) For cocoanut trees 5	...	25	8	0
For one Seege mele	...	2	0	0
Two Bage trees	...	1	0	0
Five Honge trees	...	1	0	0
		29	8	0

The other trees claimed by him are not in the portion to be acquired as per Mahazar drawn by the Amildar on 25—9—37 and signed by thls claimant also.

6. The compensation which in my opinion is awardable is as under :—The extent of land acquired for the Spun Mills at Chennapatna is 5½ guntas out of Survey No. 97 of Chikkamalur. Village. The statement of the party is recorded. He claims compensation at the rate of Rs. 1,500 per acre and a sum of Rs. 215 for the trees. The rate at which similar land has been awarded (Vide Land Acquisition Case No. 7, 8, 9 and 10 of 36—37) for the Spun Mills during 1936 is Rs. 400 per acre. The value fixed by the Mahazar is also Rs. 400 per acre. The rate claimed by the party is therefore exhorbitant. The rate fixed by the Mahazardars at Rs. 400 per acre is reasonable as he has accepted the rate of Rs. 400 per acre awarded for a portion of the same Survey number in Land Acquisition Case No. 10 of 36–37.

Regarding trees he claims Rs. 216 which is exhorbitant. The Mahazardar's value is Rs. 29-8-0. I am inclined to award a little more than the Mahazardar's value as noted below :—

	Rs.	a.	p.
The following amount of compensation is awarded for land 5½ guntas at Rs. 400 per acre ...	55	0	0
Malki. For 5 cocoanut trees ...	50	0	0
Seege (మొళ్ళ) ...	10	0	0
Bage trees 2 ...	2	0	0
Honge trees 5 ...	5	0	0
	122	0	0
Statutory allowance at Rs. 15 per cent ...	18	5	0
	140	5	0

One hundred and forty and annas five only.

This amount may be paid to Nanjegowda.

Sd. S. Muninanjappa,
Land Acquisition Officer,
30—9—37.

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

Miscellaneous Case Number 98 of 38—39.

Claimant :—Choode Gowda.

Vs.

Respondent :—The Assistant Commissioner and Land Acquisition Officer, Closepet Sub-Division.

District Court, Bangalore.

Miscellaneous No. 98 of 38—39

EXHIBIT 1(c).

Proved by Opponent's witness No. 1.

Initialled. A. S. R.
Additional District Judg
17—8—

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB DIVISION.

Land Acquisition Case No. 4 of 1937—38.

Present:—Muninanjappa B.A. B.L.,
Assistant Commissioner & Land Acquisition Office

1. Government have in their order No. D. 125 Ser 1—36—13 dated 5th July 1937 sanctioned the acquisition o 0 acres ¾th of a gunta out of S. No. 97 garden measurin 1 acre 35 guntas and assessed to Rs. 11 in the village of Chikka malur of the Channapatna Taluk for the purpose of for the Myso Spun Mills at Channapatna and the same has been notified in th Mysore Gazette (Vide page 581 Part III(1) dated 15—7—37).

2. The lands to be acquired have been measured an marked out. Due notices were given to Khatedar and othe interested and published at convenient places on or near the lan to be taken stating the intetion of the Government to tak possession of the land and that claims of interested persons compensation will be settled on 25—8—37.

3. The Khatedar is Chikka Thimmaiya and the nam of the Anubhavadar Chikka Thimmaiya is not present thoug notice has been served on him.

4. The true area of the land to be acquired 0-¾ths of a gunta. The party claims at Rupees Nil per acre as compensation.

4. The villagers' value as per their Mahazar is Rs. 400 per acre. The average sale of similar lands as ascertained from the Sub Registrar Office reference is Rupees-per acre. Portion of the compensation at Rs. 400 has been awarded per acre for the same Survey number which as acquired as G. O. No. D 1448 Seri 1-36-6 dated 24—8—36 (Vide Land Acquisition Case No. 10 of 36—37.

5. The following trees, buildings etc., are in the acquired portion and valued by the Mahazardars is.

1. Cocoanut tree ...	Rs.	5 0 0
		5 0 0

6. The compensation which in my opinion is awardable is as under. The extent of land acquired for the Spun Mills at Channapatna is 3/4ths guntas out of Survey number 97 of Chikkamalur village. The party did not appear though served with a notice. The Mahazardars estimate the land at Rs. 400 per acre. This is reasonable as similar lands have been awarded in Land Acquisition Case Number 10 of 36—37 at Rupees 400 per acre.

Regarding value of one cocoanut tree the Mahazardars are of opinion that it can be estimated at Rs. 5. I am inclined to award a little more than what is estimated by the Mahazardars and award as follows:—

	Rs.	as.	ps.
For land 3/4th gunta at Rs. 400 per acre	7	8	0
For cocoanut tree	10	0	0
	17	8	0
Statutory allowance at 15 per cent ...	2	10	0
Total ...	20	2	0

Rupees Twenty and annas two only.

This amount may be paid to Chikka Thimmaiya.

Sd: S. Muninanjappa,
Land Acquisition Officer
30—9—37.

Shanbhogue's statement recorded. He states that the owner's name is Chick Thammiah and not Chickthimmiah as wrongly printed in the notification. The statement of Chickthammaiya is also recorded. In these circumstances amount may be paid to him.

Sd. S. Muninanjappa.
Land Acquisition Officer,
11—7—38.

EXHIBIT II.

Mahazar drawn up in the presence of Amildar, Channapatna Taluk, assembled at lands i. e., S. Nos. 93, 94, 96 and 97, which have been acquired for Spun Mills pipe line of Chickamallur—

In accordance with the order of the Sub Division Officer to verify the trees in the above lands of this village now acquired for Spun Mills, inspection of and verification in the said lands, were made this day in the presence of the Taluk Mojinidar and the parties and there are trees as detailed below, we certify the same to be correct.

S. No.	Name	Exter	nent Trees		Value Rs.	a.	p.
93	Rangegowda son of Gavidasa's Venkata-gowda	0—2	cocoanut	2	10	0	0
			„	3	6	0	0
94	Choodegowda alias Puttasamegowda.	0—12	young plants	5	10	0	0
	„ „	„	Honge	13	13	0	0
	„ „	„	Mango	1	5	0	0
	„ „	„	Margooa plants	3	0	12	0
	„ „	„	Bagi	2	0	8	0
	„ „	„	Seege bush	3	6	0	0
	„ „	„	Hala	1	0	6	0
96	Bettagowda son of Narasihmagowda	0—3/4	Cocoanut-tree	1	5	0	0
	„ „	„	Honge	2	2	0	0
97	Chikkathammaiah	0—3/4	Cocoanut-tree	1	5	0	0
„	Nanjegowda	0—5½	do.	5	25	0	0
	„ „	„	Seege bush	1	2	0	0
	„ „	„	Bagi trees	2	1	0	0
	„ „	„	Honge trees	5	1	8	0

The trees mentioned above are correct. There are no discrepancies. To this effect is this Mahazar drawn up.

Sd. Chikkasetty

L. T. M. of Ramaiah

„ of Thammaiah

„ of Siddegowda

Sd. Choodegowda alias Chikkathammaiah (holder of S. No. 97,)

Mark of Nanjegowda, holder of S. No. 97.

L. T. M. of Rangegowda, holder of S. No. 93.

Sd. Not clear.

Sd. C. Kapinipathaiah,
Surveyor.

Sd. Not clear,
Amildar.
25—9—37.

EXHIBIT III

IN THE OFFICE OF THE SUB-DIVISION AND LAND ACQUISITION OFFICER, CLOSEPET.

Presented in person
25—8—37.

Written statement filed by me, Choodegowda alias Puttasamigowda. son of Hotte Choodegowda's Javarayigowda, residing at Chickamallur Village, Channapatna Taluk Kasaba, in obedience to your notice dated 10—8—37, served on me in L.A.C. No. 1, 5 of 37—38:—

1. The garden land measuring 1—3, out of S. No. 94 and 0—1 out of S. No. 88, in all 1—4, situate at Mallur Viliage, Channapatna Taluk Kasaba, belongs to me, being my ancestral property.

2. It is notified in the Gazette that out of the said S. Nos. a garden land of 12 guntas is deemed necessary for Mysore Spun Silk Mills and that the said land would be acquired.

3. The said 0—12 guntas of land is adjacent to the land of one Nanjegowda of the said village, to whom a compensation of Rs. 464 has been awarded for his 7½ guntas of garden land, acquired by Channapatna Municipality for water supply (works). The said land, acquired by the Municipality is not as good and well-situated as my land. My land abuts the bank of Kanva

river and is a fertile land having good water source. So, my land is more valuable than the aforesaid land.

Hence, your Honour may be pleased to award me an amount calculated at Rs. 5 more per gunta than that awarded at present to the said Nanjegowda.

4. The following trees are in my said land. I should also paid the value noted against them.

		Rs.
(1) Honge trees 38 gutta income per year	....	20
So, the value is	..	200
(2) Chujjali tree 1	..	2
(3) Vale tree 1	..	5
(4) Cocoanut trees 10 Income per year	...	10
So, the value	...	100
(5) Grafted Rasapuri Mango tree 1, annual income	...	10
Value	...	100
(6) Grafted Malagova Mango tree 1, annual income	...	12
Value	...	120
(7) Ungrafted mango trees 2, annual income	...	15
Value	...	150
(8) Bage trees 2 „	...	20
(9) Margosa trees 3 „	...	6
10) Mebbali trees 5 „	...	5
11) Bunyan trees 2 „	...	4
12) Bamboo bushes 2 „	...	20
13) Big Soap-nut bushes 6, annual income Rs. 100 „	...	1,000
14) Muttuga tree 1 „	...	1
15) Peepul tree 1 „	...	2
16) Tapasa tree 3 „	...	6
17) Seethaphala 1 „	...	2

5. As the remaining land in the said number has become d and inconvenient for cultivation, a sum of Rs. 200

thereof, should be awarded as damages and a pathy-way should be given over, for the purpose of moving about, to and fro of my land.

6. The statutory allowance at 15 per cent on the value of the aforesaid 12 guntas of land and also of the trees should be awarded, according to law.

7. As the Mills have taken possession of the said land on 20—5—37, I should also be awarded by your Honour. an interest at 12 per cent on the compensation amount to be awarded.

8. I pray that the date of the award to be passed by your Honour may be intimated to me through a notice. In case the amount awarded is not paid on the date of passing the award, interest at 6 per cent should also be paid from date of the award till the date of payment.

This is all my statement.

Sd. Choodegowda alias Puttasamigowda.

D/25—8—37,
Closepet.

EXHIBIT III(a).

BEFORE THE SUB-DIVISION OFFICER, CLOSEPET.

Statement of Choodegowda alias Puttasamigowda.

On 23—8—37, I pray that an award may be passed in accordance with my above written statement, in respect of 12 guntas of land to be acquired for Spun Mills, out of my land, bearing S. No. 94. of Chickamallur Village.

Sd. Choodegowda alias Puttasamigowda,
D/25—8—37.

Before me.

Sd. S. Muninanjappa,
L. A. O.
25—2—37.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Miscellaneous Case No. 98 of 1938—39.

Claimant :—Choodegowda.

Vs.

Respondent :—The Assistant Cmmmissioner, Closepet Sub-Division.

Seal of the District Court, Bangalore.
Mis. No. 98 of 1938—39.

EXHIBIT IV.

Proved by Opponents witness No. 1.

Inld. A S. R.,
Additional District Judge.
17—8—39.

APPLICATION OF REFERENCE UNDER SECTION 18 OF THE LAND ACQUISITION REGULATION.

L. A. Case No. 2 of 1937—38.

To

The Land Acquisition and Sub-Division Officer,
Closepet Sub-Division,
Closepet.

Applicant:—Choodegowda alias Puttasamigowda, Chikkamallur Village, Channapatna Taluk.

The applicant, abovenamed, begs to state as follows.—

1. That an award dated 12—10—1937 has been made by your honour for the acquisition of 12 guntas of applicant's garden-land in Chikkamalur Village for the Mysore Spun Mills Company. The notice of the award was served on the applicant on 12—3—38.

2. That the applicant cannot accept the award made by your honour, as the amount of the compensation awarded is very inadequate, and prays that the case may kindly be referred to the District Judge, Bangalore, under Section 18 of the Land Acquisition Regulation for the determination of the question of the adequacy of the compansation awarded, on the following grounds amongest others :—

(i) That the compensation for the land ought to have been awarded at Rs. 15 per gunta, instead Rs. 10 per gunta.

(ii) That several trees have been omitted from bei given any compensation. The compensati awarded for the remaining trees is grossly inad quate. The actual number and kinds of tr that were on the land, and the compensati due to them are as follows :—

	Trees.	No.	Value. Rs. a. p.
1.	Cocoanut trees	10	100 0 0
2.	Honge trees	38	200 0 0

3.	Mango trees	...	4	...	370	0 0
4.	Margosa trees	...	3	...	6	0 0
5.	Bage trees	...	2	...	20	0 0
6.	Soap-nut bushes	...	6	...	1000	0 0
7.	Chuddali tree	...	1	...	2	0 0
8.	Vale tree	...	1	...	5	0 0
9.	Metli trees	...	5	...	5	0 0
10.	Hale (ಅಲೆ) trees	...	2	...	4	0 0
11.	Bamboo (ಬಿದಿರುಮೆಳೆ)	...	2	...	20	0 0
12.	Muttuga tree	...	1	...	1	0 0
13.	Galnut tree	...	1	...	2	0 0
14.	Thapasa trees	...	3	...	6	0 0
15.	Seethapala tree	...	1	...	2	0 0
	Total	...	80	...	1743	0 0

3. That for the injurious affectation and for the severence, of the adjcining lands of the applicant, a damage of Rs. 200 ought to have been awarded.

4. That statutory allowance has to be awarded on the valuation set out above.

5. That the applicant's land was taken possession of on 20—5—37. Interest on the award amount ought to have been awarded from 20—5—37, which has not been done.

ಚೂಡೆಗೌಡ ವುರುಪ್ ಪುಟ್ಟಸಾಮಿಗೌಡ ಎಂದಿವೆ,

Applicant.

Closepet,
Dated 26—3—1938.

Sd. K. Hanumanthaiya,
Advocate for Appellant,

IN THE COURT OF THE DISTRICT JUDGE,
BANGALORE DIVISION, BANGALORE.

Miscellaneous Case Number 98 of 1938—1939.

Claimant:—Choode Gowda.

Vs.

Respondent:—The Assistant Commissioner, Closepet Sub Division.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, CLOSEPET SUB-DIVISION.

Land Acquisition Case Number 2 of 1937—1938.

Date.....

Present:

Mr. S. Muninanjappa, B. A., B. L.,
Assistant Commissioner and Land Acquisition Officer.

Seal of the District, Bangalore.

Mis. No. 98 of 1938—1939.

EXHIBIT V.

Proved by Opponent Witness No. 1.

Inld. A. S. R.,
Additional District Judge,
17—8—1939.

1. Government have in their Order No. D. 125 Seri. 1-36-13 dated 5th July 1937 sanctioned the acquisition of 0-acres 12 Guntas out of S. No. 94 garden measuring 1 acre 4 guntas and assessed to Rupees 4-8-0 in the village of Chikkamalur of the Chennapatna Taluk for the purpose of for the Mysore Spun Mills Company at Chennapatna and the same has been notified in the Mysore Gazette (Vide page 581)Part III 1 dated 15—7—37.

2. The lands to be acquired have been measured and marked out. Due notices were given to Khatedar and others interested and published at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land and that claims of interested persons to compensation will be settled on 25—8—37.

3. The Khatedar is Choodegowda alias Puttaswamigowda and the names of the Anubhavadars are do Choodegowda alias Puttaswamigowda filed a statement claiming compensation as follows:—

1. For land at Rupees 5 more than what has been paid to Nanjegowda, whose lands were acquired(for 1 gunta)for Channa patna water supply.

II. For trees as follows:—

1. Honge trees 38 Rupees 200

2. Chujjali one, Rs. 2.

3. Vale one, Rupees 5.

4. Cocoanut trees 10, at Rupees 10 =100.

5. One mango(ರಸಪುರಿ)100.

6. One mango (ಕಸಿ) 120 Rupees·

7. 2 Mangoes(ಕಂತ್ರಿ) 150 Rs.

8. Bage 2 Rupees 20.

9. Bevu 3 Rs. 6.

10. One Mettalu tree Rupees 5.

11. Ala one, Rupees 4.

12. ಬಿದಿರುಮೆಳೆ 2, Rupees 20.

13. Seegemele 6, Rupees 1000.

14. Muthugada tree one at Rupees 1.

15. Arali tree one, Rupees 2.

16. Tapasi trees 3, Rupees 6.

17. Seethapala tree one, Rupees 2.

In all he claims Rupees 1743 for the trees. He also ıge of Rupees 200 as the portion left in the land is ıconvenient for cultivation. He also claims interest 12 per cent from 20—5—1937 the date of taking of the land by the mills and 6 per cent ınterest from the date of award.

4. The true area of the land to be acquired is 0-12 guntas. The party claims at 5 Rupees more for one gunta than what was paid to Nanjegowda's land acquired for water supply per acre as compensation. The villagers' value as per their Mahazar is Rupees 400 per acre. The average sale of similar lands ascertained from the Sub-Registrar Office reference is Rupees per acre.

A rate of Rupees 400 per acre has been awarded for a portion of the same Survey Number which was acquired for Spun Mills as per G. O. No. D. 1448 Seri. 1-36-6 dated 28—4—1936 (L. A. C. 7 of 1936—1937.)

5. The following trees, buildings etc., are in the acquired portion and, the mahazardars:—

Trees as per Mahaza- are as follows:—

1. Cocoanut(ತೊಸಿಗಳು)5	...	10	0	0
2. Honge „ 13	...	13	0	0

			Rs.	a.	p.
3. Mango (ಮಾವಿಗಳು)	1	...	5	0	0
4. Bevu („)	3	....	0	12	0
5. Bage („)	2	...	0	8	0
6. Seege (ಮೀಳಿಗಳು)	3	...	6	0	0
7. Hale	1	...	0	6	0
	Total Rs	...	35	10	0

6. The compensation which in my opinion is awardable is as under :—

The extent of land acquired is 12 guntas out of Survey No. 94 of Chickmalur village. The party's statement has been recorded. He claims at the rate of Rs. 15 per gunta of 600 per acre. Regarding malki, he claims a sum of Rs. 1,743 as detailed overleaf. His claims are exhorbitant. The compensation awarded for similar land acquired for the Spun Mills during the year 1936 was at the rate of Rs. 400 per acre. (Vide L. A. C. 7, 8, 9 and 10 of 1936—37). The Mahazardars have also valued the land at Rs. 400 per acre. I have also inspected the land. The rate of Rs. 400 per acre is reasonable.

Regarding malki the amount claimed is highly exhorbitant. The party has included trees standing on Government land, i. e., river bed adjoining his land. During my inspection, this was explained to him.

The numbers and kind of trees noted in the Mahazar is correct. But the value estimated by the Mahazardars is Rs. 35-10-0 as noted above. I am inclined to give enhanced rate for the trees and award as follows :—

					Rs.	a.	p.
For land 12 guntas at Rs. 400 per acre				...	120	0	0
Malki 1. Cocoanut (ತೆಂಗಿಗಳು)			5	Lumpsum...	20	0	0
2. Honge	(„)		13	„ ...	26	0	0
3. Mango	(„)		1	„ ...	10	0	0
4. Bevoo	(„)		3	„ ...	3	0	0
5. Bage	(„)		2	„ ...	2	0	0
6. Seege			3	„ ...	30	0	0
7. Hale			1	„ ...	1	0	0
					212	0	0
Statutory allowance at 15 per cent					31	13	0
				Total Rs ...	243	13	0

Two hundred and forty three and annas thirteen only.

This amount may be paid to Choodegowda alias Puttasamygowda.

Sd. S. Muninanjappa,
Land Acquisition Officer.
12—10—37.

IN THE COURT OF THE DISTRIT JUDGE, BANGALORE DIVISION, BANGALORE.

Miscellaneous Case No. 98 of 1938—39.

Claimant :—Choodegowda.

Vs.

Respondent :—The Assistant Commissioner, Closepet Sub-Division.

Seal of the District Court, Bangalore.

Mis. Case No. 98 of 1938—39.

EXHIBIT VI.

Proved by opponent witness No. 1.

Inld. A. S. R.,
Additional District Judge.
17—8—1939.

L. A. C. No. 1-5 of 37—38.

Enc. One file.

OFFICE OF THE SUB-DIVISION OFFICER, CLOSEPET SUB-DIVISION.

Dated 20—9—1937.

Dear Mr. Varadaraj Pillay.

I enclose herewith the records (in original) relating to the acquisition of certain lands out of S, Nos. 93, 94, 96 and 97 of Chickmalur village, the acquisition of which has been sanctioned for Mysore Spun Mills at Chennapatna. Though the statements of the parties have been recorded, awards could not be passed as there is vast variation between the trees noted in the Mahazars and the trees claimed by the parties in the portions to be acquired out of the said survey numbers.

I request you therefore to verify the trees in presence of the parties concerned and make a correct list of trees in each

portion to be acquired together with their valuation. The signatures of the parties concerned may also be obtained in the list and return the records before the 25th instant. As the matter is very urgent, please see that the records are returned before the said date.

Yours sincerely,
S. Muninanjappa

IN THE COURT OF THE ADDITIONAL DISTRICT JUGDE AT BANGALORE.

Mis. No. 98 of 38—39.

Claimant :—Choodegowda.

Vs.

Respondent :—The Assistant Commissioner Closepet Sub-division.

Seal of the District Court, Bangalore

Mis. No. 98 of 38—39.

EXHIBIT VI(a).

Proved by :—Opponents' witness No. 1.

Inld. A. S. R.
Additional District Judge,
Date 17—8—39.

L. A. C. 6/36—37. One file.....Reference No. L.A.C. No. 1-5 of 37—38 dated 20—9—37 from the Sub-division Officer, Closepet Sub-division.....ಯುತ್ತಿಲ್ಲ.....ಚನ್ನವಟ್ಟಣತಾಲ್ಲೂಕು ಚಿಕ್ಕಮಗಳೂರುಗ್ರಾಮದ Reference No. L. A. C. No. 1-5 of 37—38 dated 20—9—37 from the Sub-division Officer, Closepet Sub-division.

L. A. C. 6/36—37 one file.

Reply.

In respect of the matter of acquisition of land bearing S. Nos. 93, 94, 96, 97 of Chikkamallur village, Chennapatna Taluk, for Spun Mills, in obedience to your order calling for a report regarding a list of trees and their estimated value therein, I have enclosed herein for your perusal the Mahazar in respect of the local inspection in the presence of parties.

Out of the parties, Choodegowda, alias Puttasamigowda, Hiduvalidar (occupant) S. No. 94 refused to sign the Mahazar saying that he has given a statement before the Sub-division officer. So, his signature could not be obtained. Submitted the entire connected records herewith.

Sd. Not clear,
Amildar, Channapatna Taluk.